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APPENDIX

I. THE PERTINENT PROVISIONS OF THE NATIONAL INDUSTRIAL RECOVERY ACT (48 STAT. 195, U. S. C., SUPP. VII, TITLE 15, SEC. 710-711, APPROVED JUNE 16, 1933)

AN ACT To encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INDUSTRIAL RECOVERY

DECLARATION OF POLICY

SECTION 1. A national emergency productive of wide spread unemployment and disorganization of industry, which burdens interstate and foreign commerce, affects the public welfare, and undermines the standards of living of the American people, is hereby declared to exist. It is hereby declared to be the policy of Congress to remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and man-

agement under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources.

ADMINISTRATIVE AGENCIES

SEC. 2. (a) To effectuate the policy of this title, the President is hereby authorized to establish such agencies, to accept and utilize such voluntary and uncompensated services, to appoint, without regard to the provisions of the civil service laws, such officers and employees, and to utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees, as he may find necessary, to prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed.

(b) The President may delegate any of his functions and powers under this title to such officers, agents, and employees as he may designate or appoint, and may establish an industrial planning and research agency to aid in carrying out his functions under this title.

(c) This title shall cease to be in effect and any agencies established hereunder shall cease to exist

at the expiration of two years after the date of enactment of this Act, or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 has ended.

CODES OF FAIR COMPETITION

SEC. 3. (a) Upon the application to the President by one or more trade or industrial associations or groups, the President may approve a code or codes of fair competition for the trade or industry or subdivision thereof, represented by the applicant or applicants, if the President finds (1) that such associations or groups impose no inequitable restrictions on admission to membership therein and are truly representative of such trades or industries or subdivisions thereof, and (2) that such code or codes are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of this title: *Provided*, That such code or codes shall not permit monopolies or monopolistic practices: *Provided further*, That where such code or codes affect the services and welfare of persons engaged in other steps of the economic process, nothing in this section shall deprive such persons of the right to be heard prior to approval by the President of such code or codes. The President may, as a condition of his approval of any such code, impose such conditions (including requirements for the making of reports and the keeping of accounts) for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest,

and may provide such exceptions to and exemptions from the provisions of such code, as the President in his discretion deems necessary to effectuate the policy herein declared.

(b) After the President shall have approved any such code, the provisions of such code shall be the standards of fair competition for such trade or industry or subdivision thereof. Any violation of such standards in any transaction in or affecting interstate or foreign commerce shall be deemed an unfair method of competition in commerce within the meaning of the Federal Trade Commission Act, as amended; but nothing in this title shall be construed to impair the powers of the Federal Trade Commission under such Act, as amended.

(c) The several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of any code of fair competition approved under this title; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations.

(d) Upon his own motion, or if complaint is made to the President that abuses inimical to the public interest and contrary to the policy herein declared are prevalent in any trade or industry or subdivision thereof, and if no code of fair competition therefor has theretofore been approved by the President, the President, after such public notice and hearing as he shall specify, may prescribe and approve a code of fair competition for such trade or industry or subdivision thereof, which shall have

the same effect as a code of fair competition approved by the President under subsection (a) of this section.

(e) On his own motion, or if any labor organization, or trade or industrial organization, association, or group, which has complied with the provisions of this title, shall make complaint to the President that any article or articles are being imported into the United States in substantial quantities or increasing ratio to domestic production of any competitive article or articles and on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of any code or agreement under this title, the President may cause an immediate investigation to be made by the United States Tariff Commission, which shall give precedence to investigations under this subsection, and if, after such investigation and such public notice and hearing as he shall specify, the President shall find the existence of such facts, he shall, in order to effectuate the policy of this title, direct that the article or articles concerned shall be permitted entry into the United States only upon such terms and conditions and subject to the payment of such fees and to such limitations in the total quantity which may be imported (in the course of any specified period or periods) as he shall find it necessary to prescribe in order that the entry thereof shall not render or tend to render ineffective any code or agreement made under this title. In order to enforce any limitations imposed on the total quantity of imports, in any specified period or periods, of any article or articles under this subsection, the Presi-

dent may forbid the importation of such article or articles unless the importer shall have first obtained from the Secretary of the Treasury a license pursuant to such regulations as the President may prescribe. Upon information of any action by the President under this subsection the Secretary of the Treasury shall, through the proper officers, permit entry of the article or articles specified only upon such terms and conditions and subject to such fees, to such limitations in the quantity which may be imported, and to such requirements of license, as the President shall have directed. The decision of the President as to facts shall be conclusive. Any condition or limitation of entry under this subsection shall continue in effect until the President shall find and inform the Secretary of the Treasury that the conditions which led to the imposition of such condition or limitation upon entry no longer exists.

(f) When a code of fair competition has been approved or prescribed by the President under this title, any violation of any provision thereof in any transaction in or affecting interstate or foreign commerce shall be a misdemeanor and upon conviction thereof an offender shall be fined not more than $500 for each offense, and each day such violation continues shall be deemed a separate offense.

AGREEMENTS AND LICENSES

SEC. 4. (a) The President is authorized to enter into agreements with, and to approve voluntary agreements between and among persons engaged in a trade or industry, labor organizations, and trade or industrial organizations, associations, or

groups, relating to any trade or industry, if in his judgment such agreements will aid in effectuating the policy of this title with respect to transactions in or affecting interstate or foreign commerce, and will be consistent with the requirements of clause (2) of subsection (a) of section 3 for a code of fair competition.

(b) Whenever the President shall find that destructive wage or price cutting or other activities contrary to the policy of this title are being practiced in any trade or industry or any subdivision thereof, and, after such public notice and hearing as he shall specify, shall find it essential to license business enterprises in order to make effective a code of fair competition or an agreement under this title or otherwise to effectuate the policy of this title, and shall publicly so announce, no person shall, after a date fixed in such announcement, engage in or carry on any business, in or affecting interstate or foreign commerce, specified in such announcement, unless he shall have first obtained a license issued pursuant to such regulations as the President shall prescribe. The President may suspend or revoke any such license, after due notice and opportunity for hearing, for violations of the terms or conditions thereof. Any order of the President suspending or revoking any such license shall be final if in accordance with law. Any person who, without such a license or in violation of any condition thereof, carries on any such business for which a license is so required, shall, upon conviction thereof, be fined not more than $500, or imprisoned not more than six months, or both, and each day such violation continues shall be deemed a separate offense. Notwithstanding the provisions

of section 2 (c), this subsection shall cease to be in effect at the expiration of one year after the date of enactment of this Act or sooner if the President shall by proclamation or the Congress shall by joint res ation declare that the emergency recognized by section 1 has ended.

SEC. 5. While this title is in effect (or in the case of a license, while section 4 (a) is in effect) and for sixty days thereafter, any code, agreement, or license approved, prescribed, or issued and in effect under this title, and any action complying with the provisions thereof taken during such period, shall be exempt from the provisions of the antitrust laws of the United States.

Nothing in this Act, and no regulation thereunder, shall prevent an individual from pursuing the vocation of manual labor and selling or trading the products thereof; nor shall anything in this Act, or regulation thereunder, prevent anyone from marketing or trading the produce of his farm.

LIMITATIONS UPON APPLICATION OF TITLE

SEC. 6 (a) No trade or industrial association or group shall be eligible to receive the benefit of the provisions of this title until it files with the President a statement containing such information relating to the activities of the association or group as the President shall by regulation prescribe.

(b) The President is authorized to prescribe rules and regulations designed to insure that any organization availing itself of the benefits of this title shall be truly representative of the trade or industry or subdivision thereof represented by such organization. Any organization violating any

such rule or regulation shall cease to be entitled to the benefits of this title.

(c) Upon the request of the President, the Federal Trade Commission shall make such investigations as may be necessary to enable the President to carry out the provisions of this title, and, for such purposes the Commission shall have all the powers vested in it with respect of investigations under the Federal Trade Commission Act, as amended.

SEC. 7. (a) Every code of fair competition, agreement, and license approved, prescribed, or issued under this title shall contain the following conditions: (1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

(b) The President shall, so far as practicable, afford every opportunity to employers and employees in any trade or industry or subdivision thereof with respect to which the conditions referred to in clauses (1) and (2) of subsection (a)

prevail, to establish by mutual agreement, the standards as to the maximum hours of labor, minimum rates of pay, and such other conditions of employment as may be necessary in such trade or industry or subdivision thereof to effectuate the policy of this title; and the standards established in such agreements, when approved by the President, shall have the same effect as a code of fair competition, approved by the President under subsection (a) of section 3.

(c) Where no such mutual agreement has been approved by the President he may investigate the labor practices, policies, wages, hours of labor, and conditions of employment in such trade or industry or subdivision thereof; and upon the basis of such investigations, and after such hearings as the President finds advisable, he is authorized to prescribe a limited code of fair competition fixing such maximum hours of labor, minimum rates of pay, and other conditions of employment in the trade or industry or subdivision thereof investigated as he finds to be necessary to effectuate the policy of this title, which shall have the same effect as a code of fair competition approved by the President under subsection (a) of section 3. The President may differentiate according to experience and skill of the employees affected and according to the locality of employment; but no attempt shall be made to introduce any classification according to the nature of the work involved which might tend to set a maximum as well as a minimum wage.

(d) As used in this title, the term "person" includes any individual, partnership, association,

trust, or corporation; and the terms "interstate and foreign commerce" and "interstate or foreign commerce" include, except where otherwise indicated, trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States.

APPLICATION OF AGRICULTURAL ADJUSTMENT ACT

SEC. 8. (a) This title shall not be construed to repeal or modify any of the provisions of title I of the Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933; and such title I of said Act approved May 12, 1933, may for all purposes be hereafter referred to as the "Agricultural Adjustment Act."

(b) The President may, in his discretion, in order to avoid conflicts in the administration of the Agricultural Adjustment Act and this title, delegate any of his functions and powers under this

title with respect to trades, industries, or subdivisions thereof which are engaged in the handling of any agricultural commodity or product thereof, or of any competing commodity or product thereof, to the Secretary of Agriculture.

* * * * *

RULES AND REGULATIONS

SEC. 10. (a) The President is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes of this title, and fees for licenses and for filing codes of fair competition and agreements, and any violation of any such rule or regulation shall be punishable by fine of not to exceed $500 or imprisonment for not to exceed six months, or both.

(b) The President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under this title; and each agreement, code of fair competition, or license approved, prescribed, or issued under this title shall contain an express provision to that effect.

* * * * *

SEPARABILITY CLAUSE

SEC. 303. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

2. Executive Orders Delegating Authority to the Administrator for Industrial Recovery and the Secretary of Agriculture

A. Executive order of June 16, 1933

EXECUTIVE ORDER

ADMINISTRATION FOR INDUSTRIAL RECOVERY

Pursuant to the authority of "AN ACT To encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes", approved June 16, 1933, and in order to effectuate the policy set forth in title I—Industrial Recovery—of said act;

1. I hereby appoint Hugh Johnson to be the Administrator for Industrial Recovery under said title I of said act.

2. I hereby appoint a Special Industrial Recovery Board to be composed of the following members: The Secretary of Commerce, Chairman; the Attorney General; the Secretary of the Interior; the Secretary of Agriculture; the Secretary of Labor; the Director of the Budget; the Administrator for Industrial Recovery; the Chairman of the Federal Trade Commission.

The Administrator during the ensuing 30 days shall have authority, subject to the general approval of the Special Industrial Recovery Board, to appoint the necessary personnel on a temporary basis to conduct hearings and to do such other and

necessary work as authorized under title I of said act.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
June 16, 1933.

[No. 6173]

EXECUTIVE ORDER OF JULY 15, 1933

EXECUTIVE ORDER

ADMINISTRATION FOR INDUSTRIAL RECOVERY

Pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and in supplement to my Executive Order of June 16, 1933, appointing Hugh S. Johnson to be the Administrator for Industrial Recovery under Title I of said Act, and appointing a Special Industrial Recovery Board, I hereby authorize the Administrator, subject to the general approval of the Special Industrial Recovery Board, to appoint the necessary personnel on a permanent basis, to fix their compensation, and to conduct such hearings and to exercise such other functions as are vested in me by Title I of said Act, except the approval of codes, or making of agreements, or issuance of licenses, or exercise of powers conferred in Section 3 (e), Section 6 (c), Section 8 (b), Section 9, and Section 10.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
July 15, 1933.

[No. 6205–A]

EXECUTIVE ORDER OF JUNE 26, 1933

EXECUTIVE ORDER

DELEGATION OF CERTAIN FUNCTIONS AND POWERS UNDER THE NATIONAL INDUSTRIAL RECOVERY ACT TO THE SECRETARY OF AGRICULTURE

Pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, I hereby delegate to the Secretary of Agriculture all the functions and powers (other than the determination and administration of provisions relating to hours of labor, rates of pay, and other conditions of employment) vested in me by said Title I of said Act with respect to trades, industries or subdivisions thereof engaged primarily in the handling of milk and its products, to beef and its products, and all foods and foodstuffs, subject to the requirements of Title I of said Act, but reserving to me the power to approve or disapprove of the provisions of any code of fair competition entered into in accordance with Title I of said Act. This Order is to remain in effect until revoked by me.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
June 26, 1933.

[No. 6182]

EXECUTIVE ORDER OF OCTOBER 20, 1933

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 6182 AS SUPPLEMENTED BY EXECUTIVE ORDER NO. 6207, WHICH DELEGATED TO THE SECRETARY OF AGRICULTURE CERTAIN AUTHORITY UNDER THE NATIONAL INDUSTRIAL RECOVERY ACT

By virtue of the authority vested in me by title I of the National Industrial Recovery Act of June 16,

1933 (Public, No. 67, 73d Cong.), Executive Order No. 6182 of June 26, 1933, as supplemented by Executive Order No. 6207 of July 21, 1933, which delegated to the Secretary of Agriculture certain of the powers vested in me by the aforesaid act, is hereby amended so that, in addition to the trades, industries, or subdivisions thereof therein enumerated, there shall be included the following trades, industries, or subdivisons thereof:

1. Industries, trades, or subdivisions thereof (including agricultural produce and commodity, exchanges and similar organizations) engaged principally in the handling of any of the following:

(a) Agricultural commodities (including live stock, poultry, fur-bearing animals, and bees, and flowers and nursery stock, but excluding forest products other than nuts, fruits, sap, gum, and oils) up to the point of first processing off the farm, including all distribution, cleaning, or sorting, ginning, threshing, or other separation, or grading, or canning, preserving, or packing, of such commodities occurring prior to such first processing.

(b) Human and animal food (including beverages, confectionery, and condiments) and all substances or preparations used for food or entering principally into the composition of food.

(c) Nonfood products of grains; inedible animal and vegetable oils and fats; naval stores; feathers, hides, and furs; brooms; or hog-cholera serum.

2. Industries, trades, or subdivisions thereof, engaged principally in the crushing of cottonseed or flaxseed.

If a question should arise as to whether or not any specific trade, industry, or subdivision thereof

is or is not within the terms of Executive Order No. 6182 (as supplemented by Executive Order No. 6207) and/or this order, the question shall be finally and conclusively determined by agreement between the Secretary of Agriculture and the Administrator of the National Recovery Administration; or, if they do not agree, then the question shall be submitted to the President, whose decision thereon shall be final and conclusive.

This order shall not apply with respect to any trade, industry, or subdivision thereof for which a code of fair competition has heretofore been approved by me except as may hereafter be otherwise determined by agreement between the Secretary of Agriculture and the National Recovery Administrator.

As thus amended Executive Order No. 6182 (as supplemented by Executive Order No. 6207) shall be and remain in full force and effect until amended or revoked by me.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
October 30, 1933.

[No. 6345]

E. ORDER OF JANUARY 8, 1934

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 6182 (AS SUPPLEMENTED BY EXECUTIVE ORDER NO. 6207 AND EXECUTIVE ORDER NO. 6345) WHICH DELEGATED TO THE SECRETARY OF AGRICULTURE CERTAIN AUTHORITY UNDER THE NATIONAL INDUSTRIAL RECOVERY ACT

By virtue of the authority vested in me by Title I of the National Industrial Recovery Act of June

16, 1933 (Public, No. 67, 73d Cong.), Executive Order No. 6182 of June 26, 1933 (as supplemented by Executive Order No. 6207 of July 21, 1933, and Executive Order No. 6345 of October 20, 1933), which delegated to the Secretary of Agriculture certain of the powers vested in me by the aforesaid Act, is hereby amended as follows:

All the functions and powers heretofore delegated by said Executive Orders to the Secretary of Agriculture are hereby transferred and delegated to the Administrator of the National Recovery Administration excepting only as follows:

I. The functions and powers transferred and delegated insofar as they relate to industries, trades, or subdivisions thereof which are engaged principally in the handling, processing, or storing of agricultural commodities, principally domestic, up to and including the point of first processing and the subsequent sale or disposition by the first processor (hereafter for convenience referred to as "first processors"), shall not, without the written approval of the Secretary of Agriculture, be exercised through the fixation or control of:

(1) Prices in connection with the purchase of agricultural commodities from producers and the subsequent sale or disposition by first processors of the first processed articles.

(2) Brokerage fees involved in the purchase of agricultural commodities from producers and the subsequent sale or disposition by first processors of the first processed articles.

(3) Credits and financial charges with reference to agricultural products.

(4) Commission rates in connection with the purchase of agricultural commodities from producers and the subsequent sale or disposition by first processors of the first processed articles.

(5) Purchasing arrangements with regard to agricultural commodities in their original form.

(6) Marketing quotas in connection with the purchase of agricultural commodities from producers and the subsequent sale or disposition by first processors of the first processed articles.

(7) Plant capacity and/or its allocation.

This limitation upon the functions and powers transferred and delegated is established in order that such subject-matters may be dealt with by the Secretary of Agriculture under Section 8 (2) and/or (3) of the Agricultural Adjustment Act without conflicting with the exercise of such functions and powers by the Administrator of the National Recovery Administration.

The industries and trades or subdivisions thereof covered by this Section I of this Order are limited to (a) those listed in Exhibit A hereto attached and hereby made a part hereof and (b) such other first processors as have not heretofore filed codes pursuant to the National Industrial Recovery Act.

II. The functions and powers transferred and delegated shall not include those relating to the following industries, trades, and subdivisions thereof, but such functions and powers with respect thereto shall continue to be delegated to the Secretary of Agriculture pursuant to and in the manner set forth in Executive Order No. 6182, as supplemented by Executive Orders Nos. 6207 and 6345:

1. Commodity Exchanges.

2. Industries, trades, and subdivisions thereof engaged principally in the handling, processing, or storing of—

(a) Milk and its products, but excepting packaged pasteurized, blended, and/or processed cheese.

(b) Oleomargarine and vegetable oils, but excepting soyabean oil.

(c) Cotton and cottonseed and their products, including ginning, cottonseed crushing, cottonseed-oil refining (excluding the manufacture of textiles and processing and handling subsequent thereto.)

3. Industries, trades, and subdivisions thereof engaged principally in the handling, processing, or storing up to the point of first processing and the subsequent sale and disposition by such processors of—

(a) Livestock and its products.

(b) Wheat, corn, rice, and other grains, but excepting cereals, pancake flours, self-rising flours, cake flours, and like products sold in grocery-store sizes, and grocery-store products of corn.

(c) Sugar and its by products.

(d) Anticholera hog serum and virus.

(e) Naval Stores.

(f) Tobacco and its products.

4. Fresh fruits and vegetables and poultry and poultry products up to and including handling in wholesale markets and the subsequent sale and disposition by such handlers in wholesale markets.

Provided, however, that the functions and powers referred to in this section II shall be so exercised as to harmonize with the exercise of similar functions and powers with respect to other codes

approved by the Administrator of the National Recovery Administration; but any functions and powers reserved to the Secretary of Agriculture by this Section II so far as they relate to industries, trades, or subdivisions thereof which are engaged principally in the handling, processing, or storing of agricultural commodities up to and including the point of first processing and the subsequent sale or distribution by the first processor, shall not, unless the Secretary of Agriculture otherwise decides, include or affect the subject matters referred to in subclauses (1), (2), (3), (4), (5), (6), or (7) of Section I of this Order.

III. If a question should arise as to whether or not any specific trade, industry, or subdivision thereof is, or is not, within any of the terms or provisions of this Order, the question shall be finally and conclusively determined by written agreement between the Secretary of Agriculture and the Administrator of the National Recovery Administration; or, if they do not agree, then the question shall be submitted to the President, whose decision thereon shall be final and conclusive.

IV. Any functions and powers which are hereby delegated and transferred to the Administrator of the National Recovery Administration or which have heretofore been delegated to the Secretary of Agriculture and which remain delegated to the Secretary of Agriculture by the terms of this Order, may, by written agreement between the Secretary of Agriculture and the Administrator of the National Recovery Administration, be redelegated to the Secretary of Agriculture or be dele-

gated to the Administrator of the National Recovery Administration, as the case may be.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
January 8, 1934.

[No. 6551]

3. Executive Order Approving Live Poultry Code (Contained in Exhibit 26)

EXECUTIVE ORDER

APPROVAL OF CODE OF FAIR COMPETITION FOR THE LIVE POULTRY INDUSTRY OF THE METROPOLITAN AREA IN AND ABOUT THE CITY OF NEW YORK

Whereas, the Secretary of Agriculture and the Administrator of the National Industrial Recovery Act having rendered their separate reports and recommendations and findings on the provisions of said code, coming within their respective jurisdictions, as set forth in the Executive Order No. 6182 of June 26, 1933, as supplemented by Executive Order No. 6207 of July 21, 1933, and Executive Order No. 6345 of October 20, 1933, as amended by Executive Order No. 6551 of January 8, 1934;

Now, therefore, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby find that:

1. An application has been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a code of fair competition for the live poultry industry in the metropolitan area in and about the City of New York; and

2. Due notice and opportunity for hearings to interested parties have been given pursuant to the

provisions of the act and regulations thereunder; and,

3. Hearings have been held upon said code, pursuant to such notice and pursuant to the pertinent provisions of the act and regulations thereunder; and

4. Said code of fair competition constitutes a code of fair competition, as contemplated by the act and complies in all respects with the pertinent provisions of the act, including clauses (1) and (2) of subsection (*a*) of section 3 of title I of the act; and

5. It appears, after due consideration, that said code of fair competition will tend to effectuate the policy of Congress as declared in section 1 of title I of the act.

Now, therefore, I, FRANKLIN D. ROOSEVELT, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby approve said Code of Fair Competition for the Live Poultry Industry in the Metropolitan Area in and about the City of New York.

FRANKLIN D. ROOSEVELT,
President of the United States.

THE WHITE HOUSE,
April 13, 1934.

[No. 6675–A]

4. Reports to the President Recommending Approval of the Live Poultry Code (Contained in Exhibit 26)

A. Report of the Secretary of Agriculture

Agricultural Adjustment Administration

Letter of Transmittal

April 10, 1934.

The President,

The White House.

Dear Mr. President: I have the honor to submit the following:

1. There is transmitted herewith a code of fair competition for the live poultry industry of the metropolitan area in and about the City of New York, which I recommend for your approval and which the National Recovery Administrator recommends for your approval with reference to the labor provisions thereof. There accompanies the code the report of the Administrator of the Agricultural Adjustment Act, the report of the Administrator of title I of the National Industrial Recovery Act, and a true, correct, and complete stenographic report of all evidence introduced at a public hearing on said code, held pursuant to section 3 (a), title I of the National Industrial Recovery Act.

2. By virtue of Executive Order No. 6182, of June 26, 1933, as supplemented by Executive Order

No. 6207, of July 21, 1933, and Executive Order No. 6345, of October 20, 1933, as amended by Executive Order No. 6551, of January 8, 1934, which, pursuant to title I of the National Industrial Recovery Act of June 16, 1933 (Public, No. 67, 73rd Congress), delegated to me, as Secretary of Agriculture, certain of the powers vested in the President of the United States by the aforesaid act, and after considering the aforesaid code of fair competition and a true, correct, and complete stenographic report of all evidence introduced at such public hearing, and being fully advised in the premises, I make the following findings:

1. That an application has been duly made by the New York Live Poultry Commission Merchants Association, the Live Poultry Slaughterhouse Association, Inc., of New York, and the Merchants Association for Live Poultry, Inc., of New York, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of the President, of the Code of Fair Competition for the Live Poultry Industry of the Metropolitan Area of New York. Said New York Live Poultry Commission Merchants Association, Live Poultry Slaughterhouse Association, Inc., of New York, and Merchants Association for Live Poultry, Inc., of New York, and the advisory body provided for in such code, are truly representative of the industry, and no inequitable restrictions on admission to membership are imposed by them.

2. That the live poultry industry of the metropolitan area in and about the City of New York, covered by such code, is included within the trades,

industries, or subdivisions thereof enumerated in section II of Executive Order No. 6551, of January 8, 1934 (amending an Executive Order No. 6182, of June 26, 1933, as supplemented by Executive Order No. 6207, of July 21, 1933, and Executive Order No. 6345, of October 20, 1933).

3. That the provisions of the code establishing standards of fair competition (a) are regulations of transactions in or affecting the current of interstate and/or foreign commerce and (b) are reasonable.

4. That the code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them and will not permit monopolies or monopolistic practices.

5. That the code will not prevent an individual from pursuing the vocation of manual labor and selling or trading the products thereof nor prevent anyone from marketing or trading the produce of his farm.

6. That due notice and opportunity for hearing, in connection with the aforesaid code, has been afforded interested parties, in accordance with title I of the National Industrial Recovery Act and applicable regulations issued thereunder.

7. That said code will tend to effectuate the declared policy of title I of the National Industrial Recovery Act as set forth in section 1 of said act in that the terms and provisions of such code tend to: (a) Remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; (b) to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action

among trade groups; (c) to eliminate unfair competitive practices; (d) to promote the fullest possible utilization of the present productive capacity of industries; (e) to avoid undue restriction of production (except as may be temporarily required); (f) to increase the consumption of industrial and agricultural products by increasing purchasing power; and (g) otherwise to rehabilitate industry and to conserve natural resources.

8. That said code, when approved by the President, will constitute a code of fair competition for the live poultry industry of the metropolitan area in and about the City of New York within the meaning of section 3 (a) of title I of the National Industrial Recovery Act.

Respectfully,

H. A. WALLACE,
Secretary.

B. REPORT OF THE ADMINISTRATOR FOR INDUSTRIAL RECOVERY

NATIONAL RECOVERY ADMINISTRATION

LETTER OF TRANSMITTAL

APRIL 9, 1934.

The PRESIDENT,
The White House.

SIR: This is the report on those portions of the Code of Fair Competition for the Live Poultry Industry of the Metropolitan Area in and about the City of New York which, pursuant to the relative Executive orders, are subject to the jurisdiction of the Administrator for Industrial Recovery. A public hearing was conducted on January 17, 1934, in accordance with the provisions of the National

Industrial Recovery Act and Executive order dated June 26, 1933.

GENERAL

The functions of this industry include the business of selling, purchasing for resale, transporting or handling, and/or slaughtering live poultry from the time such poultry comes into the New York Metropolitan Area to the time it is first sold in slaughtered form.

The code was submitted and sponsored by the New York Live Poultry Slaughter House Association, Incorporated, consisting of approximately 350 wholesale firms; the Retail Merchants' Association of the Live Poultry Industry, Incorporated, of New York City, representing approximately 150 retail shops; and the New York Live Poultry Commission Merchants' Association, Incorporated, consisting of approximately 21 commission agencies. These three associations comprise in their membership the leaders of the industry in and about the metropolitan area of the City of New York and represent about 90 percent of the live poultry industry by numbers and by volume of business. It is estimated that the industry, as defined in the code, comprises about 521 commission merchants and slaughterhouse operators, supplying the consuming public with practically all of the live poultry coming into the metropolitan area from 41 States, doing an aggregate annual business of approximately $90,000,000.00.

From the information received, in the year 1933 there were employed in this industry in the neighborhood of 1,610 employees. The industry has been sorely depressed due not only to the prevail-

ing economic conditions of the past few years, but also to the many unfair methods of competition that have prevailed, and to the many evils and abuses that have developed as a result of the uncontrolled methods of doing business. These conditions have, in the period of from 1929 to date, reduced the number of employees by approximately 40 percent. It is believed that by the adoption of this code, the economic conditions within the industry will be substantially improved and the industry in general will be compelled to operate on a more efficient and legitimate basis. The report of the Research and Planning Division indicates that this code will effectuate an increase in wages of about 20 percent in this industry. Likewise, the report of the Research and Planning Division indicates that the code will establish an increase in employment of 19.2 percent.

The administration of the code, as designed, is to be placed in the control of a code supervisor selected by the Secretary of Agriculture and the Administrator of the National Recovery Administration with the approval of the advisory committee of the industry. The industry advisory committee consists of 15 employers representing fairly and equitably the branches of the industry and localities included within the code area. The code supervisor is given powers and duties, subject to the disapproval of the Secretary and/or the Administrator, and is himself subject to removal at any time by those officials. The proposal for concentrated authority is in response to the unanimous demand of the industry itself.

The code contains provisions for the establishment of a labor advisory committee, subject to the

approval of the Administrator, and such additional advisory committees as may be necessary to aid the code supervisor in the administration of the code.

PROVISIONS AS TO HOURS

The code provides for a maximum forty-hour week, a normal day not to exceed eight (8) hours except Thursdays and Saturdays when it shall not exceed twelve (12) hours, with the following exceptions:

(*a*) Executive, managerial, and/or professional employees and outside salesmen receiving regularly thirty-five dollars ($35.00) per week or more.

(*b*) A maximum forty-eight hour week for slaughterhouse employees.

(*c*) During the Jewish holidays and legal holidays, employees may be permitted to work in excess of the above hours, provided the total number of such days shall not exceed forty-two (42) in any one calendar year.

(*d*) A complete report shall be made monthly to the code supervisor on the number of hours worked by employees, pursuant to (*c*) above, also the number of hours worked by part-time, emergency, or temporary employees.

(*e*) No employee shall be permitted to work more than six days in any one week, except that an employer may use not over two of his employees on the seventh day for the purpose of feeding live poultry.

(*f*) Employees on emergency maintenance or repair work involving break-downs or protection of life or property are permitted to work in excess of the maximum hours set forth herein, provided that

such hours above the maximum are compensated at the rate of time and one-third.

PROVISIONS AS TO WAGES

The minimum rate of pay established for each employee is 50 cents per hour with the following exceptions:

(*a*) Overtime work over and above the maximum hour classifications is to be paid at the rate of not less than time and one-third for such overtime; likewise, for work done on Sundays and Jewish and legal holidays.

(*b*) Article IV, Section 3, provides that the code supervisor, the labor advisory committee, and the industry advisory committee shall submit a report to the Administrator within six months after the effective date of this code setting up an equitable adjustment of all wages above the minimum.

(*c*) The code establishes that a minimum rate of pay shall apply irrespective of whether an employee is actually compensated on a time-rate, piece-rate, or other basis.

(*d*) Male and female employees performing substantially the same work shall receive he same rates of pay.

GENERAL LABOR PROVISIONS

(*a*) This code prohibits the employment of any persons under 16 years of age and under 18 years of age at occupations hazardous and/or dangerous to health.

(*b*) The code contains the provisions that every employer shall provide for the safety and health of employees during the hours and places of their employment. Standards of safety and health shall

be submitted by the code supervisor to the Administrator within six months after the effective date of this code.

(*c*) Terms of employment shall not, by reason of relationship of employer and employee other than that of marriage, be exempt from the provisions of this code.

(*d*) This code contains the standard clause affecting handicapped workers as required by Executive order under date of February 17, 1934.

(*e*) The posting of the code shall be in accordance with such rules and regulations as defined and issued by the Administrator.

(*f*) It is believed that under article V, section 9, employment will be increased to the extent of 210 or more persons in the industry and will standardize the cost of marketing and selling.

COMPLIANCE WITH MANDATORY PROVISIONS

The Administrator finds that:

(*a*) The code as recommended complies in all respects and without limitation to the provisions of—

> Subsection (*a*) of section 7 and subsection (*b*) of section 10 of the National Industrial Recovery Act.

Accordingly, I recommend the approval of the Code of Fair Competition for the Live Poultry Industry of the Metropolitan Area in and about the City of New York, hereof, to the extent of my jurisdiction, as stated in your Executive order of June 26, 1933.

Respectfully yours,

HUGH S. JOHNSON,
Administrator.

5. Code of Fair Competition for the Live Poultry Industry of the Metropolitan Area in and About the City of New York

ARTICLE I—PURPOSES

To effect the policies of title I of the National Industrial Recovery Act, this code is established as a code of fair competition for the live poultry industry of the metropolitan area in and about the City of New York, and its provisions shall be the standards of fair competition for such industry, and shall be binding upon every member thereof.

In the event a national code of fair competition for the egg and poultry industry is approved by the President, this code shall be considered as a supplemental code to said National code and be subject to provisions thereof.

ARTICLE II—DEFINITIONS

Section 1. The term "live poultry industry of the metropolitan area in and about the City of New York" or "industry" means and includes every person engaged in the business of selling, purchasing for resale, transporting, or handling and/or slaughtering live poultry, from the time such poultry comes into the New York metropolitan area to the time it is first sold in slaughtered form, and such related branches as may from time to time be included under the provisions of this code by amendment hereof.

SEC. 2. The term "member of the industry" includes, without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

SEC. 3. The term "employee" as used herein includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SEC. 4. The terms "act", "Secretary", and "Administrator", as used herein, mean, respectively, title I of the National Industrial Recovery Act, the Secretary of Agriculture, or his duly appointed agent, and the Administrator for Industrial Recovery, or his duly appointed agent.

SEC. 5. The term "code supervisor" means the code supervisor created pursuant to section 1 of article VI of this code.

SEC. 6. The term "industry advisory committee" means the industry advisory committee created pursuant to section 2 of article VI of this code.

SEC. 7. The term "person" means individual, partnership, corporation, association, and any other business unit.

SEC. 8. The term "employer" means any person by whom any such employee is compensated or employed.

SEC. 9. The term "State" includes Territory and the District of Columbia.

SEC. 10. The term "books and records" means any and all books, records, accounts, contracts, documents, memoranda, papers, correspondence, or other written data pertaining to the business of the person in question.

SEC. 11. The term "subsidiary" means any person, of or over whom a member of the industry has, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

SEC. 12. The term "affiliate" means any person who has, either directly or indirectly, actual or legal control of or over a member of the industry, whether by stock ownership or in any other manner.

SEC. 13. The term "outside salesman" means any salesman who performs primarily selling functions and does not deliver. (1) "Primary" shall mean ninety (90) percent of employed time.

SEC. 14. The term "produce" means and includes live poultry and poultry slaughtered in the metropolitan area.

SEC. 15. The term "straight killing" means the practice of requiring persons purchasing poultry for resale to accept the run of any half coop, coop, or coops, as purchased by slaughterhouse operators, except for culls.

SEC. 16. The term "culls" means poultry which is unfit for human consumption as defined in the instructions of the Chief of the Bureau of Agricultural Economics governing the inspection of live poultry at New York.

SEC. 17. The term "commission merchant" means any person receiving live poultry for sale, on commission, or for or on behalf of another.

SEC. 18. The term "broker" means and includes any person who procures and brings about a sale of live poultry, but who is himself neither purchaser nor vendor in the transaction.

SEC. 19. The term "receiver or jobber" means any person receiving and buying live poultry from shippers or producers for his own account.

SEC. 20. The term "wholesale slaughterhouse" is one in which more than three thousand (3,000) pounds per week, averaged over a four (4) week period, is sold for purposes of resale. All other slaughterhouses shall be deemed "retail slaughterhouses."

SEC. 21. The term "retail butcher shop" includes all premises where cut meats as well as poultry slaughtered elsewhere in the area covered by this code are sold directly to the public or consumer.

SEC. 22. The term "chicken store" includes all premises where, exclusively, poultry slaughtered elsewhere in the area covered by this code, is sold direct to the public or consumer.

SEC. 23. The term "chicken stand" includes all stands located in retail food markets where poultry slaughtered elsewhere in the area covered by this code is sold direct to the public or consumer.

SEC. 24. The term "metropolitan area or metropolitan area in and about the City of New York" includes the five boroughs of New York City; the counties of Rockland, Westchester, Nassau, and Suffolk in the State of New York; the counties of Hudson and Bergen in the State of New Jersey; and the county of Fairfield in the State of Connecticut.

ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any one week, except as herein otherwise provided. A normal workday shall not exceed eight (8) hours in any day

except Thursday and Saturday, when it shall not exceed twelve (12) hours.

(*a*) Executives, managerial, and/or professional employees and outside salesmen, provided they regularly receive thirty-five dollars ($35.00) per week or more.

(*b*) Slaughterhouse employees, provided that they shall not work more than forty-eight (48) hours in any one week.

(*c*) During Jewish holidays and legal holidays, employees may be permitted to work in excess of the hours herein provided on condition, however, that the total number of such days shall not exceed forty-two (42) in any one calendar year.

(*d*) Employees on emergency maintenance or repair work involving break-down or protection of life or property may be permitted to work in excess of the maximum hours hereinabove set forth, provided that all hours in excess of the maximum are compensated at time and one third.

SEC. 2. No employee shall be permitted to work more than six (6) days in any one week, except that an employer may use not over two of his employees on the seventh day for the purpose of feeding live poultry.

SEC. 3. No employer shall knowingly engage any employee for any time which when totaled with that already performed with another employer, or employers, in the industry exceeds the maximum hours prescribed herein.

SEC. 4. Reports shall be made monthly to the code supervisor stating the number of hours worked by employees pursuant to section 1 (*c*) and (*d*) of this article and the number of hours worked by part-time emergency or temporary employees.

ARTICLE IV—WAGES

SECTION 1. No employee shall be paid in any pay period less than at the rate of fifty (50) cents per hour except that:

(*a*) Overtime work, as provided for in article III, section 1 (*d*), shall be paid for at not less than time and one third for such weekly overtime.

(*b*) Work time on Sundays, Jewish holidays, and on legal holidays shall be paid for at not less than at the rate of time and one third.

(*c*) After the effective date of this code wages shall be exempt from any charges, fines, rebates, or deductions, or any other form of deducting or withholding wages, except for employees' voluntary contributions for pensions, insurance, or benefit plans, and no employer shall withhold wages except upon legal process, or other papers lawfully requiring such withholding.

(*d*) Employers shall make payment of all wages in lawful currency or by negotiable checks payable on demand. Payments of wages shall be made at least once every two weeks.

SEC. 2. This article establishes a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time-rate, piecework, or other basis.

SEC. 3. It is the purpose of this code that there shall be an equitable adjustment of all wages above the minimum, and to that end the code supervisor, the labor advisory committee, and the industry advisory committee shall, within six (6) months of the approval of this code, submit for the approval of the Administrator a proposal for adjustment in wages above the minimum. Upon approval of the

Administrator, after such hearing as he may prescribe, such approval shall become binding as a part of this code: provided, however, that in no event shall hourly rates of pay be reduced.

SEC. 4. Female employees performing substantially the same work as male employees shall receive the same rates of pay as male employees.

ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The industry advisory committee shall submit to the Administrator and the code supervisor before May 1st, 1934, a list of such occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly signed by the authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SEC. 2. (*a*) Employees shall have the right to organize and bargain collectively through representatives of their own choosing and shall be free from interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in such self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(*b*) No employee and no one seeking employment shall be required, as a condition of employ-

ment, to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SEC. 3. No provision in this code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this code.

SEC. 4. No employer shall reclassify employees or duties of occupations performed, or discharge employees to reemploy them at lower rates, or engage in any other subterfuge for the purpose of defeating the provisions of the act or of this code.

SEC. 5. Every employer shall provide for the safety and health of his employees during the hours, and at the places of their employment. Standards for safety and health shall be submitted by the code supervisor to the Administrator within six (6) months after the effective date of this code.

SEC. 6. Terms of employment shall not by reason of relationship of employer and employees other than that of marriage, be exempt from the provisions of this code; and any person working for a member of the industry, other than the wife or husband of said member, shall be considered an "employee" as herein defined. Partners and stockholders of members of the industry and others having proprietary interests in members of

the industry shall not, if employed thereby, be exempt from hour, wage, and general labor provisions of this code.

SEC. 7. No employer shall change the method of payment of compensation of employees for the purpose of evading the provisions of this code or by other subterfuge evade the provisions of this code or of the act.

SEC. 8. Each member of the industry shall comply with such rules and regulations with regard to the posting of notices, bulletins, and extracts of code provisions as may be from time to time issued by the Secretary and/or Administrator. Such notices, bulletins, and extracts of code provisions shall be written in English and such other language as may be in general use throughout the plant.

SEC. 9. To increase employment and to standardize the cost of marketing and selling, every slaughterhouse operator shall regularly employ not less than one (1) employee if the volume of his weekly sales of live poultry averaged over a period of four (4) weeks is not less than six thousand (6,000), but not in excess of eight thousand (8,000) pounds; not less than two (2) employees, if the average volume of weekly sales is above eight thousand (8,000), but not in excess of eleven thousand (11,000) pounds; not less than three (3) employees, if the average volume of weekly sales is above eleven thousand (11,000), but not in excess of eighteen thousand (18,000) pounds; not less than four (4) employees, if the average volume of weekly sales is above eighteen thousand (18,000) pounds, but not in excess of twenty-eight thousand (28,000) pounds; not less than five (5) employees, if the average volume of weekly sales is above

twenty-eight thousand (28,000), but not in excess of forty thousand (40,000) pounds; and not less than one (1) additional employee for every additional ten thousand (10,000) pounds, or fraction thereof, above forty thousand (40,000) pounds.

SEC. 10. A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this code, if the employer obtains from the state authority, designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the code authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

ARTICLE VI—ADMINISTRATION

SECTION 1. *Code supervisor.*—A code supervisor shall be appointed by agreement between the Secretary and the Administrator with the approval of the industry advisory committee. The code supervisor shall be subject to removal, at any time, by the Secretary and the Administrator.

(*a*) The salary of the code supervisor shall be fixed by agreement with the industry advisory committee and shall be subject to the approval of the Secretary and the Administrator. The salary and expenses of the code supervisor shall be paid from assessments levied and collected pursuant to paragraphs 3 and 4 of section 2 of this article.

(*b*) The said code supervisor shall have the following powers and duties subject to the disapproval of the Secretary and/or Administrator:

(1) To administer this code and to supervise the performance of the provisions thereof.

(2) To receive and investigate complaints of alleged violations of the provisions of this code, and to report violations to the Secretary and/or Administrator.

(3) To prescribe such rules and regulations, with the approval of the Secretary and/or Administrator, as may be necessary for the proper administration of this code and the performance of his duties herein.

(4) To submit reports to the Secretary and/or Administrator upon request, with reference to the operation and effect of this code.

(5) To make recommendations to the Secretary and/or Administrator for amendments or modifications to this code designed to further effectuate the policy of the Act.

(6) To study the problem of inspection of poultry and make recommendations to the Secretary for the establishment of adequate inspection points for poultry in each of the five boroughs of the City of New York and in each of the counties in the metropolitan area outside of the City of New York.

(7) To study the problem of the cost of handling poultry in the metropolitan area and make recommendations to the Secretary for a possible lowering of such costs and increasing efficiency.

(8) To study the problem of the method of arriving at the daily market price of poultry and to make recommendations to the Secretary for the estab-

lishment of a more efficient method of truly reflecting supply and demand factors.

(9) With the approval of the industry advisory committee, to employ such personnel as may be necessary to assist him in his duties and to determine the compensation of such personnel.

(10) To establish a labor advisory committee, subject to approval of the Administrator, and such additional advisory committees as may be necessary and to consult with such committees and with the industry advisory committee relative to the performance of this code and the problems of the industry.

(11) To attend all meetings of the industry advisory committee and to assist said committee in the performance of its duties.

SEC. 2. *Industry Advisory Committee.*

1. An industry advisory committee shall be established consisting of fifteen (15) members to be selected as follows:

(*a*) Seven (7) members, representing receivers, jobbers, and commission merchants, to be selected as follows: (1) Five (5) members to be selected by the New York Live Poultry Commission Merchants' Association; (2) Two (2) members, not members of said association, to be elected by a majority vote of members of the industry who are not members of the association, at a meeting or convention of such nonmembers. At least one of these members must have his business located outside the five boroughs of New York City. Such nonmembers may vote at such meeting by mail and a vote cast by mail shall have the same force and effect as a vote cast at such meeting. Each member defined as a receiver, jobber, or commission merchant shall

be entitled to one vote. If such group fails to select its representatives within fifteen days after the effective date of this code, the code supervisor shall select such persons to serve until such representatives are elected.

(*b*) Eight (8) members, representing slaughterhouse operators, to be selected as follows: (1) Three (3) members shall be selected by the Live Poultry Slaughter House Association, Inc., of New York; (2) Three (3) members shall be selected by the Merchants' Association for Live Poultry, Inc., of New York; (3) Two (2) members, not members of either of said associations, shall be elected by a majority vote of members of the industry who are not members of either of said associations at a meeting or convention of such nonmembers. At least one of these members must have his business located outside the five boroughs of the city. Such nonmembers may vote at such meeting by mail and a vote cast by mail shall have the same force and effect as a vote cast at such meeting. Each member of the industry defined as either a wholesale slaughterhouse operator and/or retail slaughterhouse operator shall be entitled to one vote. If such group fails to select its representatives within fifteen days after the effective date of this code, the code supervisor shall select such persons to serve until such representatives are elected.

(*c*) Not more than one officer, director, or employee of any member of the industry shall be a member of the industry advisory committee.

(*d*) In addition to membership as above provided the Secretary and the Administrator may each appoint one representative, not a member of

the industry, without vote to serve for such terms as they may specify.

(*e*) Members of the industry advisory committee shall be subject to the disapproval of the Secretary and/or Administrator.

(*f*) Members of the industry advisory committee shall serve for one year or until their successors are elected.

(*g*) All vacancies occurring in the membership of the industry advisory committee shall be filled for the unexpired term by the vote of the remaining members of the division of the industry advisory committee in which such vacancy occurs.

(*h*) Each trade or industrial association directly or indirectly participating in the selection or activities of the industry advisory committee shall (1) impose no inequitable restrictions on membership, and (2) submit to the Secretary and the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Secretary or the Administrator may deem necessary to effectuate the purposes of the act.

(*i*) In order that the industry advisory committee shall at all times be truly representative of the industry and in other respects comply with the provisions of the act, the Secretary or the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the industry advisory committee is not truly representative or does not, in other respects, comply with the provisions of the act, may require an appro-

priate modification in the method of selection of the industry advisory committee, or take such other action as the evidence adduced at the hearing may warrant.

(*j*) Nothing contained in this code shall constitute the members of the industry advisory committee and code supervisor partners for any purpose. Nor shall any member of the industry advisory committee and/or the code supervisor be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the industry advisory committee and/or the code supervisor. Nor shall any member of the industry advisory committee or the code supervisor, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this code, except for his own willful malfeasance or nonfeasance.

(*k*) If the Secretary or the Administrator shall determine as to matters subject to their respective jurisdiction that any action of the industry advisory committee and/or the code supervisor or any agency thereof may be unfair, or unjust, or contrary to the public interest the Secretary or the Administrator, as the case may be, may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such industry advisory committee and/or the code supervisor or agency pending final action, which shall not be effective unless the Secretary or the Administrator approves, or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

2. The powers and duties of the industry advisory committee shall be as follows:

(*a*) To cooperate with the code supervisor in the administration of this code and to assist him in procuring the observance of the provisions thereof.

(*b*) To perform such functions as are delegated to it by the provisions of section 1 of this article.

(*c*) To act as a planning and research agency for the industry and to make recommendations to the code supervisor for amendments or modifications to this code, designed to effectuate the policy of the act.

(*d*) To cooperate with the Bureau of Agricultural Economics in the preparation of uniform standards, grades (including consumer grades), and terminology for the various products of the industry. The industry advisory committee shall within six (6) months of the approval of this code forward its recommendations on standards, grades, and terminology to the Secretary. When, after due notice and an opportunity for a hearing, standards, grades, and terminology for any produce of the industry are promulgated by the Secretary all members of the industry may use such standards, grades, and terminology in the purchase and sale of all products, wherever applicable, and, if so, shall conspicuously designate such standards and grades on produce or packages of produce, wherever applicable.

(*e*) To cooperate in furthering a National code of fair competition for the marketing division of the egg and poultry industry.

3. The code supervisor, with the approval of the industry advisory committee, is authorized to incur such expenses and to make such expenditures

as may be necessary for the maintenance of this code. All moneys collected shall be deposited and disbursed in the name of one of the members of such industry advisory committee, designated as treasurer, who shall furnish bond in an amount satisfactory to the industry advisory committee. The members of the industry advisory committee shall serve without compensation, but shall be entitled to their expenses which are necessarily incurred in the performance of their duties hereunder.

4. Each member of the industry, subject to the jurisdiction of the code, shall pay to the industry advisory committee his pro rata share of all expenses incurred in the administration of this code, and shall make payment upon due notice from the industry advisory committee of his share of such expenses and after opportunity for a hearing to any party dissatisfied with the amount of his assessment. Such pro rata share shall be based upon volume of business, or such others factors as the industry advisory committee may deem equitable, and shall be subject to the disapproval of the Secretary and or Administrator. The industry advisory committee shall have power to institute legal proceedings in its own name and to take any other steps which may be necessary to collect such assessments from members of the industry.

ARTICLE VII—TRADE PRACTICE PROVISIONS

The following practices shall be deemed to be and shall constitute unfair methods of competition on the part of members of the industry and are hereby prohibited.

SECTION 1. *False advertising.* To publish or disseminate in any manner any false advertisement. An advertisement shall be deemed to be false if it is untrue in any particular, or if directly or by ambiguity or inference it creates a misleading impression.

SEC. 2. *Inedible products.* Knowingly to purchase or sell for human consumption culls or other produce that is unfit for that purpose.

SEC. 3. *Rebates.* The secret payment or secret allowance of rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise, and/or the secret extension to certain purchasers of special service or privileges not extended to all purchasers on like terms and conditions, provided that nothing in this code shall be construed to prevent the payment of patronage dividends to members of any bona fide cooperative association duly organized under the laws of any State of the United States, and provided further that nothing in this code shall be deemed to prevent the allowance of a refund, rebate, or credit to any person having a legitimate claim thereto.

SEC. 4. *Commercial bribery.*—Directly or indirectly to give or permit to be given or offer to give money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase industry products from the maker of such gift or offer, or to influence such employers or prin-

cipals to refrain from dealing or contracting with competitors.

SEC. 5. *Interference with contractual relations.*—Maliciously inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customer and/or source of supply, or interfering with or obstructing the performance of any such contractual duties or services.

SEC. 6. *Defamation.*—The defamation of competitors or customers by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their goods.

SEC. 7. *Destructive price cutting.*—No member of the industry shall engage in destructive price cutting. The selling or offering for sale of a product below a fair and reasonable price for the purpose and with the effect of unduly discriminating between purchasers or localities, or of injuring a competitor or of unduly suppressing competition, or of creating a monopoly, shall be deemed to be destructive price cutting. Selling or offering to sell a product below the current market price shall be prima facie evidence of destructive price cutting, but such selling or offering to sell a product may be justified by a member of the industry by showing that such selling or offering to sell was—

(1) To dispose of damaged or defective products designated as such, or

(2) For charitable or relief purposes, or

(3) Required by law, or

(4) For such other good and sufficient reason as may be determined by the code supervisor and/or approved by the Secretary.

SEC. 8. *Price discriminations.*—To discriminate in price between different purchasers, except for differences in price on account of grade, quality, or quantity of produce sold, or the credit risk involved.

SEC. 9. *Giving of prizes, premiums, or gifts.*—The offering or giving of prizes, premiums, or gifts in connection with the sale of produce, or as an inducement thereto, by any scheme which involves lottery, misrepresentation, or fraud.

SEC. 10. *Misrepresenting produce.*—Knowingly to sell produce short in weight or misrepresented as to the point of origin, quality, condition, or kind of produce.

SEC. 11. *Excessive feeding.*—To feed poultry on the day of unloading or slaughtering beyond what is reasonably required (so that the crops or gullets will show not more than one (1) ounce per bird for broilers under two and one-half (2½) pounds; two (2) ounces per bird for chickens and ducks; three (3) ounces per bird for turkeys and geese) with the intent and effect of deceiving purchasers as to the true weight of the poultry.

SEC. 12. *Weighing.*—To weigh produce inaccurately with the effect of deceiving sellers or purchasers as to the true weight of the produce.

SEC. 13. *Unloading.*—Unnecessarily to delay the unloading of express lots, cars, or trucks of live poultry for the purpose of causing shrinkage in weight.

SEC. 14. *Straight killing.*—The use, in the wholesale slaughtering of poultry, of any method of slaughtering other than "straight killing" or killing on the basis of official grade. Purchasers may, however, make selection of a half coop, coop, or coops, but shall not have the right to make any selection of particular birds.

SEC. 15. *Illegal sales.*—The sale or resale of produce to any person not legally entitled to conduct a business of handling the produce of the industry (where a license or permit is required).

SEC. 16. *Misrepresentations as to expected shipments.*—The misrepresentation of any fact which has to do with expected shipments, expected supply for the week, quality, or quantity of poultry with the purpose and effect of creating a false market resulting in injury to shippers, members of the industry, or consumers.

SEC. 17. *Price misrepresentation.*—The willful misrepresentation of any fact intended to affect the price of produce.

SEC. 18. *Unlawful combinations.*—To conspire, combine, agree, or arrange with any other person (1) to apportion territory for carrying on business, or (2) to apportion purchases or sales; (3) to allocate customers, or (4) to manipulate or control prices.

SEC. 19. *Service charges.*—To make charges in connection with cooping, trucking, loading, or unloading for services that may be unnecessary or unreasonable, or may be performed by the shipper at his option, or exert other repressive action upon the freedom of producers to deliver produce direct to any local purchaser.

SEC. 20. *Misrepresentation of function.*—For a member of the industry to represent himself as a commission merchant or broker when in truth he is acting as a principal.

SEC. 21. *Anti-Racketeering.* — The following practices and acts shall be considered violations of this code: (1) Any act of violence, coercion, extortion, or intimidation, or any threat, conspiracy, combination, or concerted action to commit any act of violence, coercion, extortion, or intimidation; (2) Payment of money or any other valuable consideration to any person, firm, corporation, or association as a result of or in connection with intimidation, coercion, extortion, violence, or injury to personal property, or threat of such violence, extortion, or injury, or to avoid such violence or injury; (3) Payment or collection, directly or indirectly, of money or other valuable considerations for the purpose of obtaining favors or special privilege under or exemption from:

(*a*) Any provision of this code, or

(*b*) Any Federal, State, municipal, county, or local statute, ordinance, rule, or regulation relating to the conduct of the industry, or

(*c*) Any rule, regulation, or policy of a labor union.

(4) any act intended to coerce, having the necessary effect of coercing any person, firm, or corporation engaged or employed in the industry, or attempting to engage or be employed in the industry, to join or not to join any association, firm, corporation, or group. Whenever any person, firm, or corporation engaged in or employed in the industry is apprised, directly or indirectly, of any such payment, collection, violence, coercion, extor-

tion, intimidation, or any attempt to make such payment, collection, or to commit any such act of violation, coercion, extortion, or intimidation, he shall make a full and complete report thereof, together with all direct or indirect information in his possession relating thereto. Any failure to make such report or furnish such information shall be a violation of this code.

SECTION 22. *Inspection of poultry.*—The sale of live poultry which has not been inspected and approved in accordance with the rules, regulations, and/or ordinances of the particular area.

ARTICLE VIII—GENERAL

SECTION 1. *Reports.*

(*a*) The members of the industry shall severally, from time to time, upon the request of the Secretary (or the Administrator in the case of information relating to hours of labor, rates of pay, and other conditions of employment) furnish such information to such Federal and State agencies on and in accordance with forms of reports supplied to them (which reports shall be verified under oath) as the Secretary or the Administrator may designate and require (1) for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest, and (2) for the determination by the Secretary or the Administrator of the extent to which the declared policy of the act is being effectuated by this code.

(*b*) The members of the industry shall severally permit, for the same purposes and/or to enable the Secretary or the Administrator to verify the information furnished on said forms of reports, all

their books and records and the books and records of their affiliates and subsidiaries, to be examined by the Secretary or the Administrator during the usual hours of business.

(c) The members of the industry shall severally keep books and records which will clearly reflect all financial transactions of their respective businesses and the financial condition thereof and shall see to it that their respective subsidiaries and affiliates keep such records.

(d) In addition to the reports to be furnished pursuant to section 1 of this article, members of the industry shall severally from time to time, upon request of the code supervisor, furnish information pertaining to dual interests, such as the owning or holding, directly or indirectly, of any financial or other interest by (1) a slaughterhouse operator in the business of a shipper, commission merchant, broker, receiver or jobber, chicken store, chicken stand, or butcher shop operator; (2) of a shipper, commission merchant, broker, receiver or jobber, chicken store, chicken stand, or butcher shop operator in the business of a slaughterhouse; (3) of a commission merchant or broker in the business of a receiver or jobber; (4) of a commission merchant or broker in the business of a shipper; (5) or any other combination of dual-interest information relating to dual interests may be made public.

Nothing in this code shall relieve any person of existing obligations to furnish reports to Government agencies.

No individual reports shall be disclosed to any other member of the industry or any other party

except as may be directed by the Secretary or the Administrator.

SEC. 2. *Expected shipments.*—At or before noon on Tuesday of each week every member of the industry receiving live poultry in carloads, truck loads exceeding three thousand (3,000) pounds, or express shipments exceeding fifteen hundred (1,500) pounds shall make to the code supervisor a written report setting forth the amount of his expected receipts for the balance of the week, the actual numbers of the cars expected, and such other information relating to receipts or kind of poultry as the code supervisor shall require.

No member of the industry shall sell, unload, or deliver poultry received during the week which has not been reported as required above, except as provided for in approved rules of this code supervisor.

SEC. 3. *Listing sales prices.*—Every member of the industry shall submit a weekly report to the code supervisor. Such report shall show the range of daily prices and volume of sales for each kind, grade, or quality of produce sold by the member of the industry during the reported week.

SEC. 4. *Modification.*—This code and all the provisions thereof are expressly made subject to the right of the President of the United States, in accordance with the provisions of subsection (*b*) of section 10 of the act, from time to time, to cancel or modify any order, approval, license, rules, or regulation issued under said act.

This code, except as to provisions required by the act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the Secretary and/or

the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the Secretary and/or the Administrator.

SEC. 5. *Licenses and marketing agreements.*—If any license is hereafter issued or any marketing agreement hereafter executed, pursuant to provisions of the Agricultural Adjustment Act, containing provisions covering the subject matters referred to in subclauses (1) to (7), inclusive, of section 1 of the Executive Order No. 6551 of January 8, 1934, then to that extent such license and/or marketing agreement shall supersede such provisions of this code.

SEC. 6. *Monopolies, etc.*—No provision of this code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

SEC. 7. *Effective date.*—The code shall become effective on the second Monday after its approval by the President.

6. Notice of Hearings on the Live Poultry Code

(Exhibit 19)

(Docket No. 141; N. Y. Live Poultry Industry)

NOTICE OF HEARING WITH REFERENCE TO A PROPOSED CODE OF FAIR COMPETITION

Under the Executive Order of June 26, 1933, issued pursuant to Title I of the National Industrial Recovery Act, approved June 16, 1933 and under General Regulations, Series 2, of the United States Department of Agriculture, Agricultural Adjustment Administration, issued pursuant thereto,

NOTICE IS HEREBY GIVEN of a hearing to be held at the Powhatan Hotel, Pennsylvania Avenue and Eighteenth Street, N. W., Washington, D. C., January 17, 1934, at 9:30 A. M., at which hearing all interested parties, including persons whose services or welfare are effected, will be heard with reference to a proposed Code of Fair Competition, which has been submitted to the Secretary of Agriculture by the New York Live Poultry Commission Merchants Association, Inc., Live Stock Poultry Slaughter House Association, Inc., Live Poultry Board of Trade, Inc., and the New York Live Poultry Exchange for the approval of the Secretary of Agriculture, under and in accordance with the Executive Order of June 26, 1933, issued by the President pursuant to Title I of said Act.

A copy of said proposed Code is now on file and available for public inspection at the Office of the Chief Hearing Clerk, Department of Agriculture, Washington, D. C. Copies of the said proposed Code may be obtained at such office. The proposed Code relates to prices, practices, and conditions (including hours of labor, rates of pay and other conditions of employment) in the Live Poultry Industry.

By virtue of Executive Order of June 26, 1933, provisions in the said Code, relating to hours of labor, rates of pay, and other conditions of employment with respect to the above industry, are under the jurisdiction of and subject to, administration by the National Recovery Administration. All persons or groups who can show substantial interest as workers, employers, consumers, or otherwise, in the effect of any provisions of the proposed Code, dealing with hours of labor, rates of pay, and other conditions of employment, will have an opportunity to be heard at this hearing. Such persons or groups are requested to file a written statement of their testimony in the office of H. B. Lindsay, Deputy Administrator, National Recovery Administration, Room 4826, Department of Commerce Building, Washington, D. C., before the hearing if possible, or with the Assistant Hearing Clerk attending said hearing.

(Signed) H. A. WALLACE,
Secretary of Agriculture.

Dated: January 6, 1934, Washington, D. C.

7. Excerpts from the President's Message and the Congressional Debates and Hearings Relative to Low Wage Rates and Long Hours of Labor as a Factor in Interstate Competition

THE PRESIDENT'S MESSAGE

The President in his message to Congress of May 17, 1933, which initiated the Recovery Act, said (Cong. Rec., vol. 77, pt. 3, pp. 3603–3604):

> My first request is that the Congress provide for the machinery necessary for a great cooperative movement throughout all industry in order to obtain wide reemployment, to shorten the working week, to pay a decent wage for the shorter week, and to prevent unfair competition and disastrous overproduction.
>
> Employers cannot do this singly or even in organized groups, because such action increases costs and thus permits cutthroat underselling by selfish competitors unwilling to join in such a public-spirited endeavor.

CONGRESSIONAL DEBATES

Senator Wagner. Otherwise we may talk as we like, but what has dragged industry down more than anything else is the exploitation of labor, cutthroat competition. If

you inquire of business men all through the country, the thing they will tell you is, that particularly during these days of unemployment they have suffered because their competitors were able to secure people to work for them for long hours and starvation wages (Cong. Rec., vol. 77, pt. 6, p. 5236).

Senator WAGNER. We are trying to take care of only 10 or 15 percent of industry. The majority of industrialists and business men want to do the right thing. They want to pay a decent wage. They want to employ people a reasonable number of hours per day. But they are dragged down by the recalcitrant 10 or 15 percent of the industry, as they will all testify, who, with the cutthroat wages and the long hours, are dragging the industry down. Those trying to do the right thing are unable to compete with the others unless they go into a race with them in wage cutting and in the employment of long hours of labor. We have been talking about international shocks and all that sort of thing. One of the reasons why we have been dragged down to where we are is just that type of cutthroat competition, sweatshop labor, and things like that, which we are trying to eliminate (*Id.*, p. 5237).

Mr. SAMUEL B. HILL.[1] The antitrust law does not take into consideration unfair competition resulting from the exploitation of labor. It has developed that that is the greatest factor in unfair competition that confronts industry today.

This bill proposes to make that one of the factors in arriving at the basis of fair com-

[1] Member of House Ways and Means Committee.

petition and to protect labor in a living wage and protect industry that pays a living wage against other industries less scrupulous that take advantage of necessitous conditions to exploit labor and say, "You must take the wages we offer or you will have no job."

I say that in preserving the conditions of fair competition, even though it suspends in part the operation of the antitrust law, does in fact support the main objective of the antitrust law—namely, the preserving of fair competition (Cong. Rec., vol. 77, pt. 4, p. 4223).

Mr. KELLY of Pennsylvania. We are attempting to stabilize industry. Of necessity there must be a place for the organization of labor, one of the most stabilizing forces in all industry. With fair wage standards and the elimination of sweatshop wages, child labor, and other intolerable conditions, the fair and humane employer will be protected against cutthroat competition which he is powerless to meet today (*Id.*, p. 4221).

HEARINGS

Senator WAGNER. The purpose of the present bill is not to abolish competition but to lift its standards and to raise its plane so as to eliminate destructive practices, unfair practices, competition in the reduction of wages, and the lengthening of hours. In other words, efficiency, rather than the ability to sweat labor and undermine living standards, will be the determining factor in business success.

* * * * *

At the present time it is frequently the person with the lowest industrial standards

who determines the standard for the entire industry. The purpose of this measure is to make the best judgment and the highest ideals of the industry govern its competitive activities. That is very important and we must accept it as true. It largely accounts, in my opinion—and I am sure that the members of the committee are cognizant of it—for the tremendous support which is being mobilized throughout the country for this legislation. They see in it at least a hope that this cutthroat competition which has been dragging us down, reducing our standards of living, may be for all time eliminated, and we may go along on a higher standard of living (hearings before House Ways and Means Committee on H. R. 5664, 73d Cong., 1st Sess., p. 96).

HENRY I. HARRIMAN.[2] Whenever there is a great surplus of labor, whenever we are passing through a period of great depression, we always have cutthroat competition. It is inevitable. One man takes an order at a slightly less price than his competitor. In order to have a chance to break even on that low price he must not only use all the skill that he has but he must cut the pay of his working people. Then the other man not to be outdone, cuts his price still further; and so the endless chain continues, of lower prices and lower wages, and lower wages and lower prices.

I believe the time has come when we must take out of competition the brutality of competition. (*Id.*, p. 134.)

DONALD R. RICHBERG. Because of the millions of the unemployed, the inevitable effect has been to break down all labor standards, to break down the standards of working con-

[2] President of the United States Chamber of Commerce.

ditions, to lengthen out the hours, to break down the standards of wages, and so to deflate to a terrifying extent that labor which still has any employment whatsoever.

Now, the result of that upon the managers of industry has been equally or more distressing, because those who desired to maintain fair conditions of wages and working conditions found themselves absolutely unable to compete with business enterprises that constantly cut wages and operated under very unfair and unhappy working conditions. So again, there is no doubt a common purpose and desire among both the managers in industry and the workers in industry to try to establish, in some way, decent standards of wages and working conditions, and I believe it has come to be realized by both groups in the period of this depression that the most unfair competition that existed in industry was the competition through depressed and disorganized and deflated labor.

* * * * *

This decline in purchasing power has simply been a steady spiral downward, and here is this competitive factor which has forced the better-intentioned man, we will say, to constantly meet the competition of those who were more ruthless in beating down prices at the expense necessarily of labor; and I believe it has been realized that that was one of the great continuing causes of this downward spiral of the depression, and that the only way to reach it was in some way to arrive at the possibility of industrial agreements which would determine the standards of fair competition, and particularly the competition for workers; in other words, would fix minimum wages, would fix maximum hours, according to the needs

of specific groups in industry, so that at least goods might be produced under conditions that would afford decent living standards to the workers who were employed, would maintain their purchasing power, and at the same time would permit the managers of industry to compete in the markets, which they could not do as long as the utterly unrestricted competition was allowed which was breaking down our standards. (*Id.*, pp. 66–67).

Senator WAGNER. We are not seeking a change; we are seeking a rationalization of competition instead of permitting the sweatshop, by exploitation of labor, to break us down by its competition. Instead of that, we want to substitute competition in efficiency and on a high plane, where the laborer gets a just reward for his services (Hearings before Senate Finance Committee on S. 1712 and H. R. 5755, 73d Cong., 1st Sess., p. 6).

Mr. GEDDES.[1] The radio industry is one of the striking industries referred to by President Roosevelt as suffering from the actions of the unruled 10 percent within its structure. The larger, reputable, national manufacturers, composing the membership of our association, seriously suffer from the gyp manufacturer, operating in attics, and cellars, under sweatshop conditions, paying sweatshop wages, and making inferior products, which are advertised to the public as real radio sets. * * * This 10 percent gyp manufacturer demoralizes conditions for the 90 percent of manufacturers who try to treat labor fairly, put out satisfactory products to the public, and at prices which are reasonable for the manufacturer, the employees, and the public. (*Id.*, p. 63.)

[1] General Manager Radio Manufacturers Association.

8. Tables Used in Preparing Charts in Brief

MONTHLY HIGH LIVE POULTRY PRICES AT NEW YORK CITY

	High Monthly Price, Cents Per Pound, Fowl								
	1926	1927	1928	1929	1930	1931	1932	1933	1934
January	38	35	31	37	31	28	28	18	17
February	33	33	29	35	33	25	21	16	18
March	36	33	33	37	33	27	23	19	20
April	36	35	32	37	34½	27	23	17	19
May	36	30	30	37	29	25	19	16	18
June	32	27	29	34	26	24	18	16	19
July	30	30	28	34	27	25	17	16	17
August	31	28	34	31	26	25	20	16	19
September	34	32	34	33	30	27	19	17	21
October	33	28	35	34	28	27	20	16	19
November	30	30	35	30	27	24	18	17	19
December	35	28	(1)	34	26	25	18	17	19

[1] No quotation.

Source: *Dairy Produce Yearbooks*, published by Chicago Dairy Produce, Chicago, Illinois.

MONTHLY HIGH LIVE POULTRY PRICES AT CHICAGO, ILLINOIS

	High Monthly Price, Cents Per Pound, Fowl								
	1926	1927	1928	1929	1930	1931	1932	1933	1934
January	31	29	27	30	27½	23	20	14	13
February	29	28	26	32	29	23½	19	14	15
March	31½	30	28	34	30	25½	19	15	18
April	34	30	28½	36	31	25	19	14	16½
May	33	27	28½	34	26	22	16½	13½	15½
June	27½	24	25	30	23	21	14	11½	14
July	26½	25	25	30	20½	21	13½	13½	13
August	26	25	30	29	23	22	16	13	17
September	26	25	31	30	23	23	16	13½	19
October	26½	24	30	28	22	22	16	13	16½
November	23½	23	27	25	20	19	15	13	15½
December	20	24	29	26	22	19	14	13	16

Source: *Dairy Produce Yearbooks*, published by Chicago Dairy Produce, Chicago, Illinois.

LIVE POULTRY FREIGHT PRICES AT NEW YORK CITY, WEIGHTED AVERAGE PRICE PER POUND, AS OF THE 15TH OF THE MONTH

	Cents per Pound									
	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935
January	34.23	29.12	29.36	34.09	30.58	23.99	17.83	15.48	14.38	19.47
February	30.16	29.86	27.47	34.95	27.49	22.15	19.55	15.56	16.30	17.19
March	35.00	27.96	27.16	32.28	28.60	23.58	21.44	17.43	16.93	.....
April	34.98	30.76	27.75	34.57	28.60	26.31	17.96	14.24	16.41	.....
May	34.06	25.84	26.88	33.83	24.40	22.57	16.54	15.52	15.02	.....
June	30.34	25.76	26.96	28.13	23.00	22.04	17.13	13.96	14.74	.....
July	28.30	23.96	27.83	31.21	25.00	20.53	15.35	13.81	16.90	.....
August	24.26	23.53	30.48	28.48	22.56	23.86	24.81	13.18	19.31	.....
September	26.28	27.39	30.40	30.49	22.86	21.66	16.38	14.10	17.46	.....
October	34.74	23.08	28.73	29.23	20.15	19.51	13.52	12.89	15.06	.....
November	27.62	25.92	24.37	24.94	20.74	18.13	15.21	11.54	16.16	.....
December	26.15	24.41	27.64	21.95	18.84	15.25	15.28	12.81	15.01	.....

Source: Producers' Price Current, published daily by the Urner Barry Publishing Co.

AVERAGE CHICKEN PRICES PER POUND PAID PRODUCERS 15TH OF EACH MONTH, MISSOURI, JANUARY 1926–FEBRUARY 1935

	Cents per Pound									
	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935
January	21.0	20.0	18.9	21.4	19.3	14.5	11.9	7.8	7.6	10.8
February	21.0	20.0	18.9	21.1	19.4	13.8	11.3	7.9	8.4	12.6
March	21.4	20.0	18.9	22.0	19.4	14.9	11.5	7.2	9.1	.....
April	22.0	21.0	20.0	23.8	20.3	15.3	11.1	8.2	9.8	.....
May	22.0	20.2	21.0	24.5	18.0	14.5	10.9	8.8	9.6	.....
June	22.0	17.4	20.0	24.3	16.7	14.7	9.8	8.4	9.3	.....
July	22.0	17.9	20.2	22.9	15.0	14.4	10.0	8.8	10.2	.....
August	20.0	18.9	20.8	21.7	15.0	15.4	10.0	7.8	9.1	.....
September	19.9	17.8	22.0	21.3	16.2	14.8	10.0	7.3	10.9	.....
October	19.0	18.0	20.9	20.0	15.6	12.4	8.9	7.0	9.7	.....
November	18.2	17.7	20.9	18.5	14.4	12.8	8.2	6.4	9.5	.....
December	18.3	17.7	20.3	17.8	13.4	13.2	7.2	6.4	9.0	.....

Source: Bureau of Agricultural Economics, *Crops and Markets* (published monthly).

DAILY LIVE POULTRY PRICES, NEW YORK CITY

DAILY HIGH PRICES PER POUND, COLORED FOWL, FREIGHT, NEW YORK CITY, JAN. 1–MAR. 31, 1934

	January	February	March
	Cents	*Cents*	*Cents*
1		15½	18
2	16	17	18
3	16	16	18
4	16	(1)	(1)
5	16	18	19
6	16	18	19
7	(1)	18	19
8	17	18	17
9	17	18	16
10	17	18	16
11	16	(1)	(1)
12	14	(1)	17
13	(1)	18	16
14	(1)	18	16
15	15	18	16
16	15	15	16
17	15	15	(1)
18	15	(1)	(1)
19	14	15	15
20	(1)	16	17
21	(1)	16	17
22	14	(1)	17
23	15	14	17
24	15½	14	17
25	16	(1)	(1)
26	16	16	18
27	15	17	19
28	(1)	18	19
29	15		20
30	15½		20
31	15½		(1)

1 No quotation.

Source: American Creamery and Poultry Produce Review, Statistical Review of the New York Market.

DAILY FARM PRICES, LIVE POULTRY, LOUISVILLE, KENTUCKY

DAILY PRICES PER POUND, COLORED HENS, LOUISVILLE, KENTUCKY JANUARY 1-MARCH 31, 1934

	January	February	March
	Cents	*Cents*	*Cents*
1	10	12	12½
2	10	12	13½
3	10	12	13½
4	10	[1]	[1]
5	11	12	13½
6	11	12	13½
7	[1]	12	12½
8	11	12	12
9	11	12½	12
10	12	12½	12
11	12	[1]	[1]
12	11	13	13½
13	11	13	11½
14	[1]	13	11½
15	11	12	11½
16	11	12	11½
17	11	11	11½
18	11	[1]	[1]
19	11	11	11½
20	11	11	12
21	[1]	11	12½
22	11	11	12½
23	11	11	12½
24	11	11	13
25	11	[1]	[1]
26	11	11	13½
27	11	11	13½
28	[1]	11	13½
29	11	[1]	13½
30	11	[1]	13½
31	11	[1]	13½

[1] No quotation.

Source: Louisville, Kentucky, Courier-Journal.

9. List of Witnesses and Appearances at the Code Hearings

U. S. Department of Agriculture:
Dr. L. D. Ives, New York City.

Acme Commission Company, New York City:
Louis Spatz, President.

Chelsea Live Poultry Company, Inc.:
George Levin, New York City.

Chas. Collins Company:
E. V. Dwyer, New York City.

American Farm Bureau Federation:
Chester H. Gray, Washington Representative, Washington, D. C.

City of New York:
Wm. Fellowes Morgan, Jr., Commissioner of Public Markets, Municipal Bldg., New York City.

Dexter Food Company:
W. F. Fetterstone, Counsel, New York City.
Ole Salthe, New York City.

Federation of Kosher Butchers:
David S. Andron, Counsel, New York City.
Charles Cohen, President, New York City.
Oscar Spitalmick, Vice President, New York City.

G. Z. Hawk & Son Company:
Chas. Sahn, Treasurer, New York City.

Local #167, I. B. of T.:
Harry Frankel, Secretary, New York City.
Arthur Herbert, Business Agent, New York City.

International Brotherhood of Teamsters, Chauffeurs, Etc.:
Samuel H. Kaufman, Counsel, New York City.

International Baby Chick Association:
Russell Hicks, Executive Secretary, Kansas City, Mo.

Julius Kastein, Inc.:
Julius Kastein, New York City.

Francis Gilbert, New York City:

Julius Kastein, Inc.,
Acme Commission Co., Inc.,
James N. Norris, Inc.,
Garlick Poultry Company,
C. Werner, Inc.,
Chelsea Live Poultry Company, Inc.,
Samuel Werner, Inc.,
Chas. Collins Company,
Jewell Koenig & Company, Inc.,
Sol. Frankel, Inc.,
G. Z. Hawk & Son Company, Inc.,
Western Commission Co. Inc.,
Modern Live Poultry Co. Inc.,
Harry Rosenstein, Inc.,
L. J. Schwab & Sons, Inc.,
Krakaner Poultry Co., Inc.,
Goldstein Service Commission Co., Inc.,
Kassel Poultry Company, Inc.,
Steers & Menke, and
Avon Commission Company, Inc.

Live Poultry Association:
Charles M. Stegel, New York City.

Merchants Association for Live Poultry Industry, Inc.: (Live Poultry Board of Trade)
Louis Nizer, Counsel, New York City.

Live Poultry Board of Trade:
Philip Melansky, Representative, New York City.
Benjamin Shapiro, Brooklyn, N. Y.
Joseph Konwalsky, Brooklyn, N. Y.

Live Poultry Slaughter House Association:
Abraham Franzel, President, Brooklyn, N. Y.
Benjamin Forsmith, Secretary, New York City.
J. Sidney Bernstein, Counsel, New York City.
George J. Skloot, Member, Brooklyn, N. Y.

Long Island Duck Service:
Richard I. Bernstein, Secretary, New York.

Long Island Dux:
James R. Tetonus, Welfare of L. I. Dux, New York.

New York Poultry Exchange:
Garland Galloway, New York City.

Northeastern Poultry Producers Council:
M. C. Kirkpatrick, Official Representative, Midlothian, Va.

Poultry Commission Credit Association of New Jersey:
J. H. Newman, Newark, N. J.

Retail Poultry Dealers of the Bronx, Inc.:
Sol Obrentz, Secretary, New York City.
William B. Jaffe, Counsel, New York City.

Poster-Robins, Inc.:
I. Robins, New York City.

M. Rosen Live Poultry Company:
Aaron Halperin, Bronx, New York.

S. S. & B. Live Poultry Company:
Benjamin Mayer, Secretary, New York City.
Samuel Wesner, General Manager, New York City.

Samuel V. Werner, Inc.:
Samuel Werner,

Poultry Shochtim Union of Greater New York, Local 440, A. F. of L.:
Jacob Bloom, President, Brooklyn, N. Y.
Nathan D. Perlman, Counsel, New York City.
Rev. Joseph Rosenman, Secretary, Brooklyn, N. Y.

Poultry Schucktein Union Local No. 435 (or 436) of Newark, N. J.:
Rev. Max Ehrenkrantz, President, Newark, N. J.
Rev. Bons Aronson, Delegate, Irvington, N. J.

United Kosher Retail Poultry Dealers Assn. of America:
Louis Goldberg, Member Executive Board, Brooklyn, N. Y.

The Wadley Co. & Institute American Poultry Industry:
W. B. Loucks, New York City.

Western Commission Company:
Irving Sokoloff, New York City.

Myrien Gordon, Slaughter House Men.

Herman Wolin, United Kosher Retail Poultry Association of America.

Charles Goverman, New York City.

Julius B. Gay, Washington, D. C.

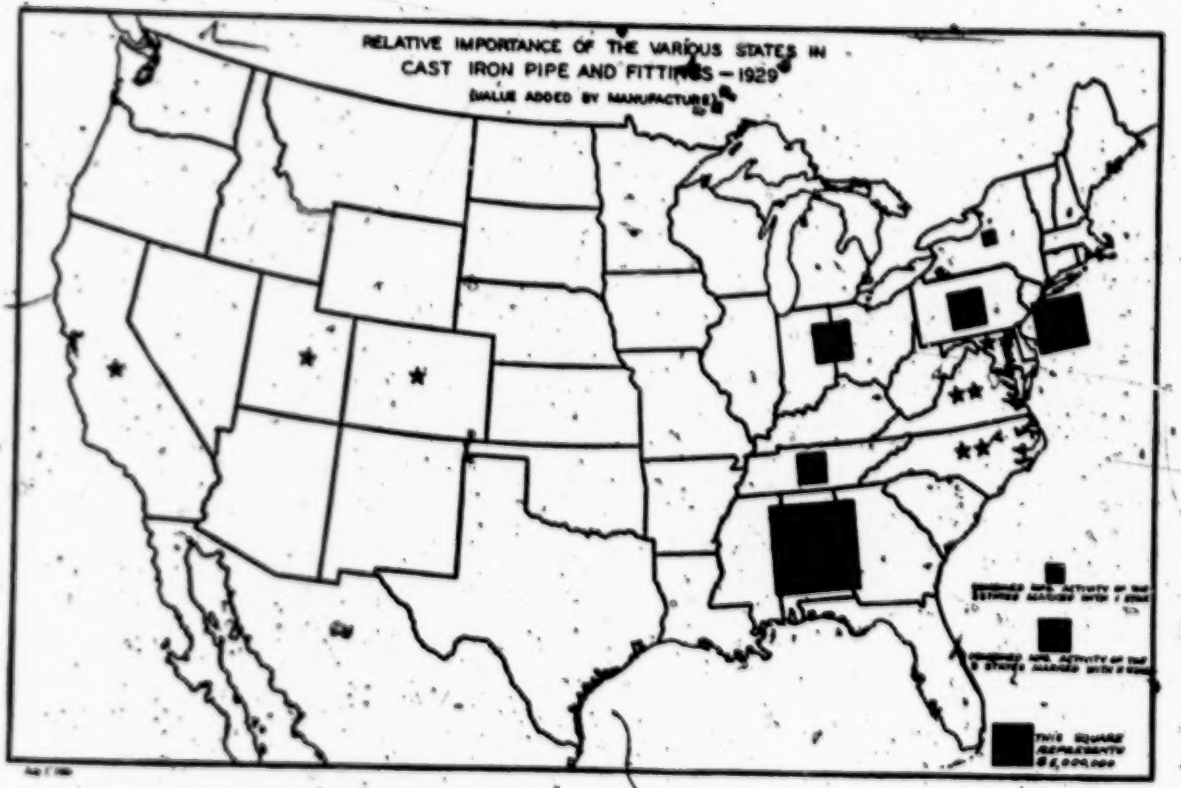
Sol. Phillips, Brooklyn, N. Y.

Philip J. Schwab.

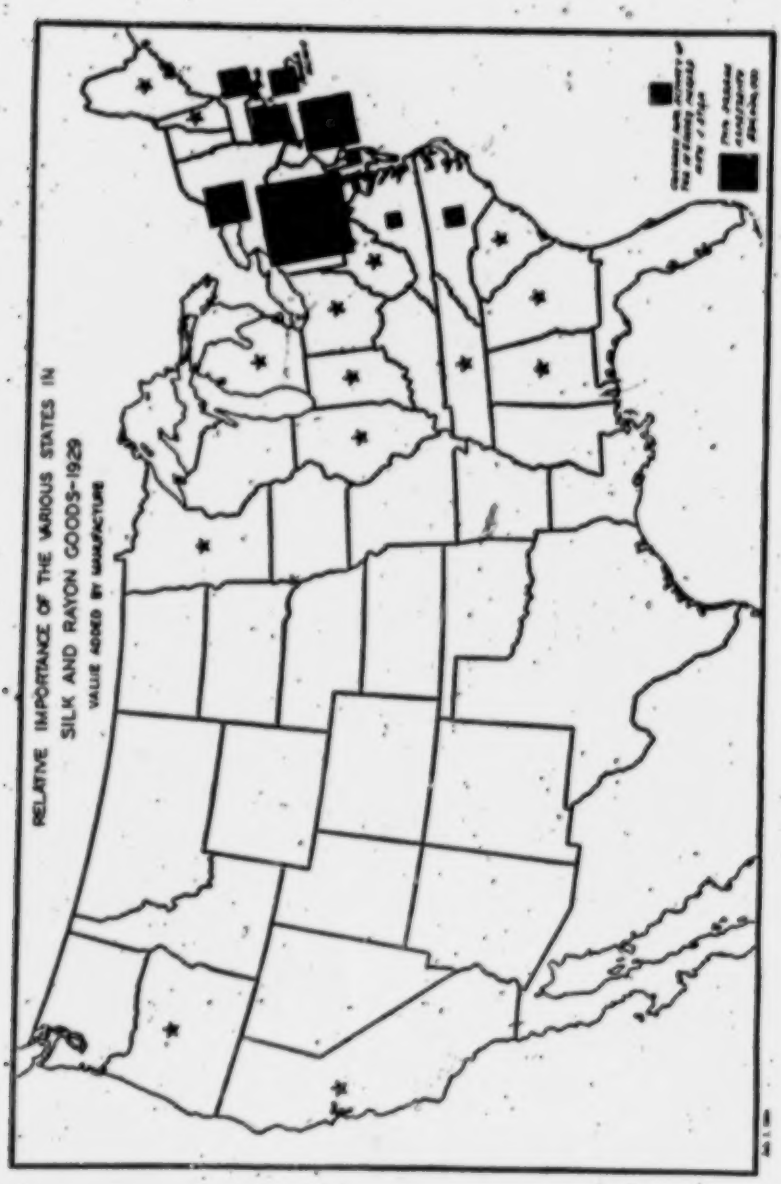
10. Materials Indicating Extent and Concentration of Industrial Enterprise

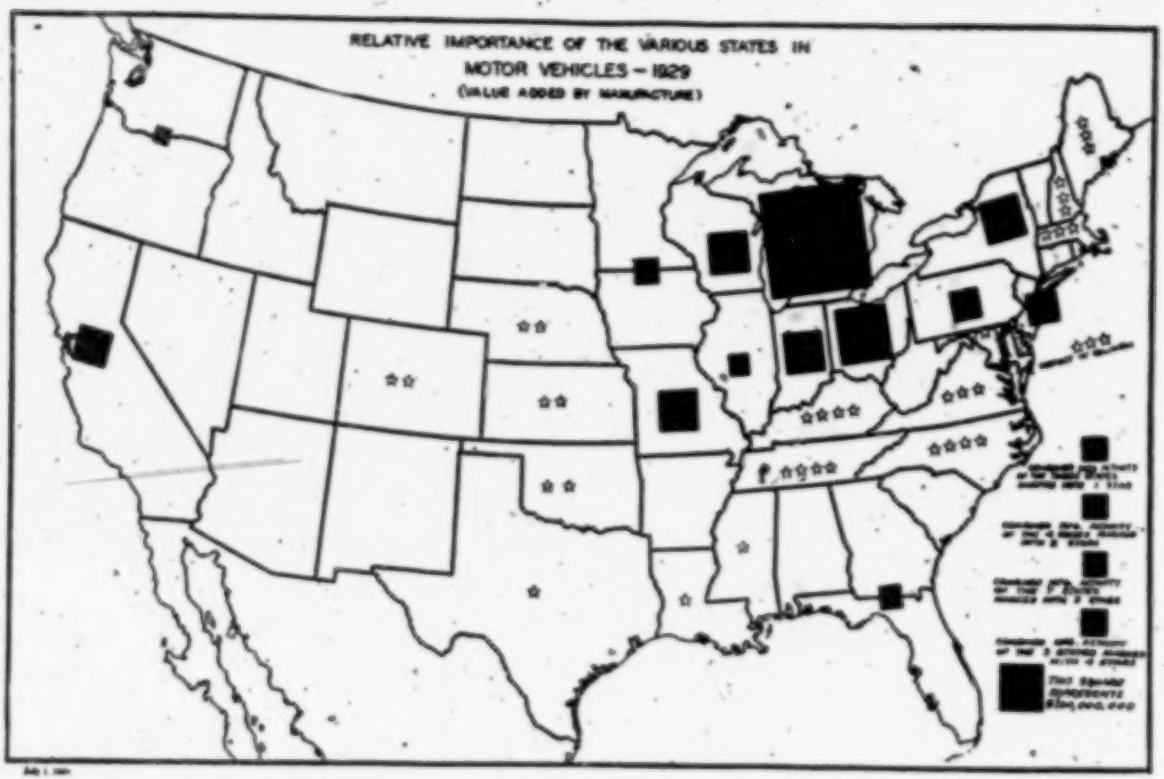
A. MATERIALS ILLUSTRATING TERRITORIAL CONCENTRATION OF MANUFACTURES IN THE UNITED STATES, 1929

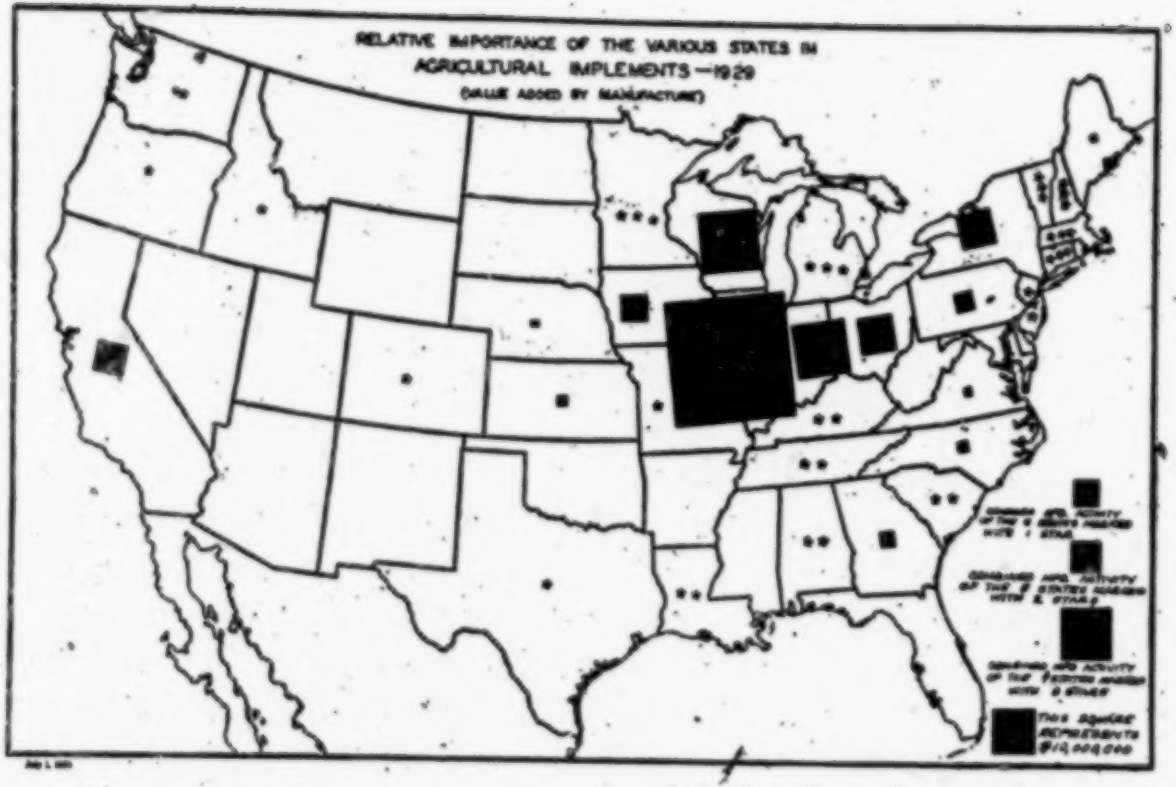
(Unpublished industry maps prepared by the Bureau of the Census from data in *Census of Manufactures: 1929, Volume II, Reports by industries*)

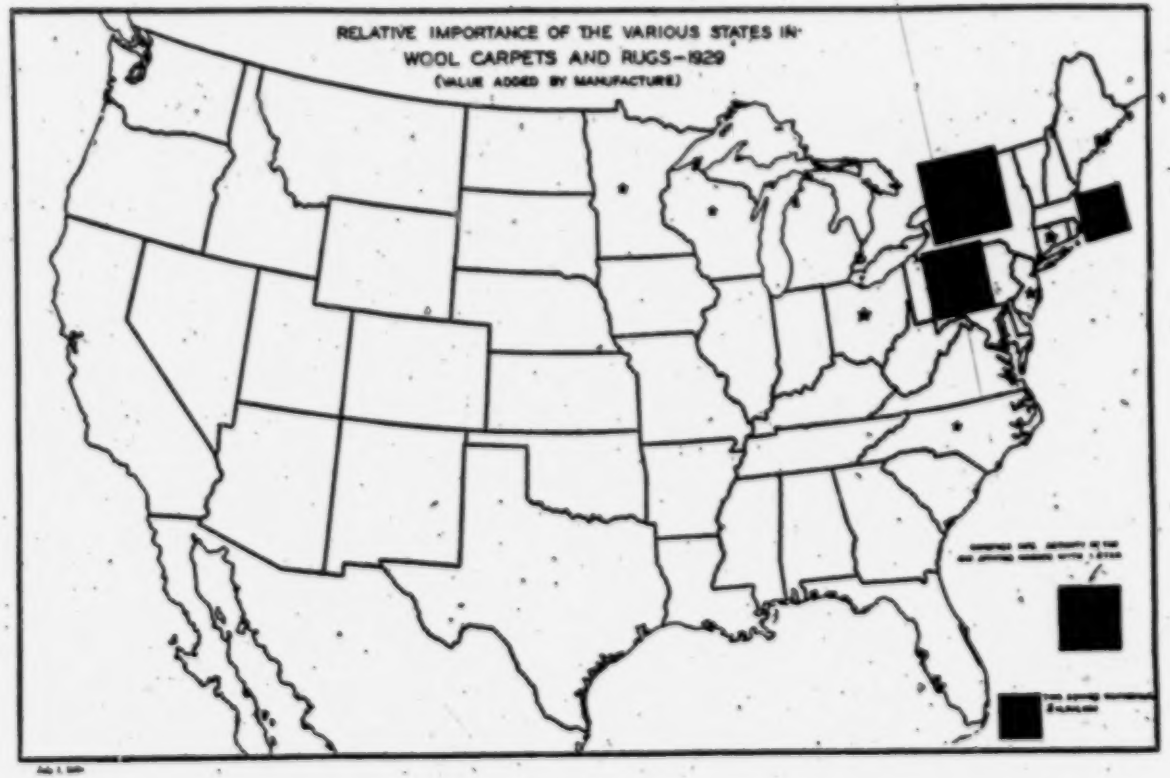

RELATIVE IMPORTANCE OF THE VARIOUS STATES IN
CAST IRON PIPE AND FITTINGS – 1929
(VALUE ADDED BY MANUFACTURE)

RELATIVE IMPORTANCE OF THE VARIOUS STATES IN
TYPEWRITERS AND PARTS — 1929
(VALUE ADDED BY MANUFACTURE)


RELATIVE IMPORTANCE OF THE VARIOUS STATES IN
SILK AND RAYON GOODS-1929
VALUE ADDED BY MANUFACTURE


RELATIVE IMPORTANCE OF THE VARIOUS STATES IN
MOTOR VEHICLES – 1929
(VALUE ADDED BY MANUFACTURE)


RELATIVE IMPORTANCE OF THE VARIOUS STATES IN
AGRICULTURAL IMPLEMENTS—1929
(VALUE ADDED BY MANUFACTURE)


RELATIVE IMPORTANCE OF THE VARIOUS STATES IN
WOOL CARPETS AND RUGS—1929
(VALUE ADDED BY MANUFACTURE)

LOCAL CONCENTRATION IN TWENTY INDUSTRIES, 1929

Industry	Value of product (thousands)	States in which concentrated	Percent of value produced in States of concentration
Motor Vehicles	$3,722,708	Michigan and Ohio	82
Steel Works and Rolling Mills	3,365,799	Penn., Ohio, Ind., and Ill.	78
Women's Clothing	1,709,591	New York	76
Cotton Goods	1,524,177	N. C., S. C., Mass. and Ga.	66
Rubber Tires and Tubes	770,177	Ohio	68
Fur Goods	277,568	New York	82
Millinery	195,693	New York	64
Motion Pictures [1]	184,102	California and New York	94
Corn Products	165,964	Illinois	58
Cheese	110,645	Wisconsin	59
Pocketbooks, Purses, and Cardcases	68,628	New York	69
Leather Gloves and Mittens	39,123	New York	64
Turpentine and Rosin	36,282	Florida and Georgia	82
Firearms	21,970	Conn., Mass., and New York	99
Safes and Vaults	19,362	Ohio	62
Embroidery (except Schiffli)	13,439	New York	77
Schiffli Embroidery	11,848	New Jersey	71
Linen Goods	9,737	Massachusetts and New Jersey	77
Candles	6,686	New York	83
Combs and Hairpins	2,482	Massachusetts	71

[1] Cost of production.

Source: Bureau of the Census, *Manufactures*, 1929, Vol. II.

NOTE TO TABLE

The necessity for interstate shipments of manufactured goods is indicated by Table XIV showing the concentration of production in certain industries in one or two states. It should be noted that each of the twenty commodities is of such a character that it would not be consumed chiefly in the state in which it is produced. Goods such as millinery accessories are excluded although they are largely produced in New York, because that state is also the center of millinery manufacture and consumes most of the accessories and trimmings produced there. On the other hand, the women's clothing made in New York is distributed throughout the country, while the cotton textiles used in their manufacture must be brought in from other states.

In addition, even the leading states in a given industry are importers of the very products they make. The motion pictures made in New York, for example, cannot be substituted for those produced in California, and each state imports the other's pictures. Likewise, the national advertising of "brands" makes it possible to distribute Pennsylvania-made tires in Ohio, the heart of the rubber industry.

B. MATERIALS INDICATING SIZE AND TERRITORIAL EXTENT OF MANUFACTURING ENTERPRISES AND RELATIVE EMPLOYMENT THEREIN.

SIZE AND TERRITORIAL EXTENT OF MANUFACTURING ENTERPRISES

Manufacturing enterprises, with the exception of a few industries not suitable for large scale operation, have been growing steadily larger, as illustrated by the following:

TABLE 1

	Establishments with total value of products of—					
	$500 and over			$5,000 and over		
	Establishments	Wage earners (thousands)	Wage earners per establishment	Establishments	Wage earners (thousands)	Wage earners per establishment
1909	207,514	4,713	22.7	(1)	(1)	(1)
1919	290,105	9,096	31.4	214,383	9,009	42.0
1929	(1)	(1)	(1)	210,959	8,829	41.9

[1] Figures not available.

Number of wage earners is average for the year.

Source: Census Monographs, III, p. 40; Census of Manufactures, 1929, I, p. 15.

TABLE 2

AVERAGE WAGE EARNERS PER ESTABLISHMENT IN TEN LARGE-ESTABLISHMENT INDUSTRIES

Industry	Wage earners per establishment, 1929
Rayon	1,948
Watches and watch movements	1,342
Motor vehicles	927
Rubber tires	915
Steel works and rolling-mills	813
Locomotives	800
Sugar refining	662
Typewriters and parts	652
Copper smelting and refining	559
Refrigerators, mechanical	497

Source: Calculated from data given in Census of Manufactures, 1929, I, p. 32 ff.

All the above were infant industries in the workshop stage at one time or another in the nineteenth century, and five of the ten did not exist at all in 1850.

Even Table 2 understates the degree of concentration that has gone on because it averages the employment in the large plants over the large number of small establishments.

Table 3 illustrates the growth after 1815 by specific cases.

TABLE 3

INCREASE IN SIZE OF CONCERN

Date	Industry or companies	Size (number of employees)	Remarks
1800	Household industries [1]	"Household"	Often part-time employment of farmers.
1810	Iron furnaces [2]	20 (?)	Highest plausible average figure. Estimated.
	Bloomeries [2]	2 or 3	Average, estimated.
1811	Wool factory [3]	150	"Largest."
1815	Merino wool factory [4]	80	"One of the largest of this class."
1839-1860	Brady's Bend Iron Company [5]	538 laboring families.	"Among the largest in America before the Civil War."
1929 [6]	U. S. Steel	224,960	The two largest manufacturing corporations.
1929 [6]	General Motors	233,286	

[1] Clark, Victor S., History of Manufactures in the United States, Vol. I, page 438 ff.
[2] Rough estimates based on data given by Clark, ibid., p. 500.
[3] Ibid., p. 562.
[4] Ibid., p. 563.
[5] Ibid., p. 446.
[6] Standard Corporation Records, published by the Standard Statistics Co.

Central-Office Combinations, 1929.—When a firm operates two or more establishments, the group is called a central-office combination. 26,286 establishments operated under this form of organization in 1929, compared to 21,464 in 1919. Meanwhile the number of establishments with value of product over $5,000 fell from 214,383 to 210,959.

TABLE 4

	1919	1929	Change
			Percent
Number of establishments in central-office groups	[1] 21,464	[2] 26,286	+22.3
Independent	192,919	184,673	−4.2
All establishments	[2] 214,383	[3] 210,959	−1.6
Percent in central-office groups	10.0	12.5	

[1] Bureau of the Census, Monograph III, by Willard L. Thorp, p. 113.
[2] Census of Manufactures, 1929, I, p. 106.
[3] Ibid., p. 15.

The central-office establishments, although only 12.5 percent of the establishments, employed 4,275,337 wage earners, or 43.8 percent of the total, produced products valued at $38,226,000,000, or 54.3 percent of the total, and added $15,797,000,000 of value, or 49.5 percent.

Establishments in the following central-office groups had more than 1,000 employees each:

	Central office			Independent		
	Establishments	Wage earners	Wage earners per establishment	Establishments	Wage earners	Wage earners per establishment
Locomotives	5	8,630	1,726	11	2,415	220
Motor vehicles	79	148,259	1,877	166	77,857	472
Motor vehicle parts	123	149,277	1,213	1,031	72,055	70
Rayon	18	35,759	1,986	11	3,347	304
Refrigerators (mesh)	5	13,765	2,753	39	3,118	108
Rubber tires	23	53,318	2,318	68	29,945	440
Steel works and rolling mills	268	320,298	1,241	228	74,276	326
Typewriters and parts	15	15,108	1,007	11	1,837	167

Source: Census of Manufactures, 1929, I, p. 108.

Territorial Spread of Manufacturing Operations.—The other feature of modern manufacturing operations, besides size, which is of prime in-

terest, is the large territorial spread of operations. Of the 314 combinations operating 10 or more establishments in 1919, 44 operated within a single state, 30 within two adjoining states, 115 within a group of states, while 125 "have plants so scattered about the country that they can only be classified as national in scope." (Census Monographs, III, p. 139.)

The territorial spread in miles for the 792 central-office combinations operating three, four, and five similar establishments in 1929 was also measured. 438 establishments were more than 250 miles from the central office, and 63 one thousand miles or more. The span between the two most distant establishments in each combination was 250 miles or more in 225 cases and 1,000 miles or more in 48 cases. (*Ibid.*, pp. 141 ff.)

> These data certainly indicate the surprising extent to which the distance factor has been overcome, for industrial enterprises have distributed themselves with little apparent regard to the difficulties of distance. * * *
>
> This fragmentary discussion of the factor of distance serves to present one thesis—the conquest of distance as a limiting factor in the expansion of economic enterprise. Modern methods of communication have resulted in the development of a form of economic organization which is not limited to a single locality, but which can operate throughout an area as large as that of the United States itself. (*Ibid.*, p. 152.)

Size and Domain of Ten Large Manufacturing Corporations.—Ten large corporations had about

1,018,000 employees on the average in 1929, or practically 10 percent of the manufacturing and mining employees in the country. The two largest corporations employed 4.2 percent.

The size and territorial coverage of operations can best be visualized from the accompanying exhibit:

Company	Number employed in 1929	Number of States in which establishments are operated
General Motors	233,288	14
United States Steel	[1] 224,980	12
Ford	[2] 100,000	8
General Electric	87,923	10
Bethlehem Steel	64,316	9
Armour	60,000	24
Swift	48,000	16
Standard Oil Co. of New Jersey	44,700	14
International Harvester	40,000	8
Goodyear	39,735	6
Total	[2] 952,980	

[1] Exact figure confidential.
[2] Over.

Sources: *Employment:* For General Motors, U. S. Steel, General Electric, and Bethlehem Steel: *Standard Corporation Records*, published by the Standard Statistics Co. For Standard Oil Co. of New Jersey and Goodyear: *Moody's Manual of Industrials.*
Number of States: Compiled from *Standard Corporation Records*, published by the Standard Statistics Company.

Distributing or selling establishments are not included. The states counted were those in which manufacturing was conducted and/or in which raw materials or fuel for use in manufacturing were mined or otherwise procured.

Other manufacturing companies operating in three or more states include the following; showing the number of states in which each operates:

Air Reduction, 26; Allis Chalmers Mfg. Co., 6; American Brake Shoe and Foundry,

22; American Car and Foundry, 10; American Crystal Sugar Co., 9; American Hide and Leather Co., 7; American Ice Co., 6; American Locomotive Co., 4; American Metal Co., Ltd., 3; American Radiator and Standard Sanitary Corporation, 15; American Rolling Mill Co., 6; American Smelting & Refining Co., 15; American Steel Foundries, 13; American Sugar Refining Co., 5; American Tobacco Co., 8; American Can Company, 19; American Home Products Corp., 7; Allied Chemical and Dye Corp., 7; Aluminum Co. of America, 13; American Woolen Company, 8; Anaconda Copper Mining Co., 11; Armour and Company, 24; Atlantic Refining Co., 8; Atlas Powder Co., 9; Bethlehem Steel Corp., 9; Brown Shoe Co., 5; Beechnut Packing Co., 3; Barnsdall Corporation, 12; Bendix Aviation Corporation, 6; Borg Warner Corp., 4; Borden Company, 32; Colorado Fuel and Iron Co., 3; Consolidated Oil Corp., 9; Curtiss-Wright Corp., 3; Canada-Dry Ginger Ale Co., 5; Coca-Cola Company, 7; Corn Products Refining Co., 4; Colgate-Palmolive-Peet Co., 7; Cudahy Packing Company, 12; Continental Oil Company, 9; Congoleum-Nairn, Inc., 3; Crucible Steel Co. of America, 4; Consolidated Cigar Corp., 3; Commercial Solvents Corp., 5; Chrysler Corporation, 4; Continental Baking Corp., 28; Chicago Pneumatic Tool Co., 3; Cluett-Peabody & Company, 3; Continental Can Co., Inc., 17; Diamond Match Company, 12; E. I. du Pont de Nemours & Co., Inc., 25; Eastman Kodak Co., 4; Electric Auto-Lite Co., 4; Foster Wheeler Corp., 3; Firestone Tire & Rubber Co., 3; Ford Motor Company, 4; General Foods Corp., 15; Gold Dust Corporation, 12; General Asphalt Co., 5; General Cigar Company, 9; Gulf Oil Corp. of Penn-

sylvania, 8; Goodrich (B. F.) Company, 3; Glidden Co., 10; General American Transportation Corp., 12; Great Western Sugar Co., 4; General Mills, Inc., 14; General Baking Co., 20; General Motors Corporation, 14; General Electric Co., 10; Goodyear Tire & Rubber Co., 6; Houston Oil Co., 3; International Salt Co., 3; International Paper Co., 15; International Harvester. 8; International Shoe Co., 7; International Cement Corp., 8; Inland Steel Corp., 6; Johns-Manville Corp., 7; Kennecott Copper Corporation, 8; Liggett & Myers Tobacco Co., 6; P. Lorrillard Co., 8; Loose-Wiles Biscuit Co., 14; Mack Trucks, Inc., 3; Manhattan Shirt Co., 6; Mathieson Alkali Works (Inc.), 3; McKeesport Tin Plate Co., 6; Motor Wheel Corporation, 3; National Biscuit Co., 24; National Dairy Products Corp., 24; National Distillers Products Corp., 9; National Lead Company, 21; National Steel Corp., 6; Ohio Oil Company, 10; Owens-Illinois Glass Co., 10; Phelps Dodge Corp., 8; Pullman Incorporated, 10; Packard Motor Car Co., 3; Penick & Ford, Ltd., Inc., 5; Procter and Gamble, Inc., 16; Phillips Petroleum Co., 7; Pittsburgh Plate Glass Co., 14; Pure Oil Co., 10; Quaker Oats Co., 7; Republic Steel Corp., 7; Remington Rand, Inc., 6; Reynolds (R. J.) Tobacco Co., 3; Sterling Products Co., 6; Simmons Company, 5; Shell Union Oil Corp., 7; Standard Brands, Inc., 13; Simms Petroleum Co., 6; Skelly Oil Co., 5; Socony Vacuum Oil Co., 17; Standard Oil Co. (Indiana), 9; Standard Oil Co. (New Jersey), 14; St. Joseph Lead Co., 7; Swift & Company, 16; Tide Water Associated Oil Co., 13; Tennessee Corporation, 6; Texas Corporation, 8; Union Carbide and Carbon Corp., 38; U. S. Steel Corp., 12; U. S.

Rubber Co., 3 or more; U. S. Pipe and Foundry Corp., 7; U. S. Gypsum Co., 11; U. S. Industrial Alcohol Co., 5; United Drug Company, 4; Virginia-Carolina Chemical Corp., 14; Westinghouse Air Brake Co., 3; Worthington Pump & Machinery Corp., 4; Wesson Oil and Snowdrift Co., 12; Youngstown Sheet & Tube Co., 3.

TABLE 5

EMPLOYMENT IN MANUFACTURING COMPARED WITH GAINFULLY OCCUPIED AND TOTAL POPULATION

	Population	Gainful workers	Ratio of gainful workers to population (percent)	Gainful workers in manufacturing and mechanical industries	Number employed in—			Number looking to employment in manufacturing
					Hand and neighborhood industries	Factories	Hand and neighborhood industries and factories	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1790	3,929							
1800	5,308	1,330 E	25.0 E			(1)		
1820	9,638	2,490	25.9	349				
1840	17,069	4,799	28.1	792				
1840	22,641	5,300 E	23.4 E				957	
1850	23,260	5,230	22.9	1,292				
1850	30,687	7,910 E	25.8 E				1,314	
1860	31,502	8,236	26.1	2,053				
1860	37,906	12,000 E	31.6 E				2,054	
1870	38,555	12,505	32.4	2,678				
1870	49,033	16,800 E	34.2 E				2,733	
1880	50,262	17,392	34.4	3,755				
1880	61,775	22,690 E	36.7 E				4,252	
1890	63,056	23,318	37.0	5,678				
1890	74,799	28,500 E	38.1 E		593	4,713	5,306	5,500 E
1900	75,995	29,073	38.2	7,085				
1900	90,691	37,350 E	41.2 E			6,615		
1910	91,972	38,167	41.5	10,908				
1910	105,003	41,600 E	39.6 E			9,000		11,798
1920	105,711	41,614	39.3	12,832				
1920	121,526	48,280	39.7 E			8,839		10,932
1930	122,775	48,830	39.8	14,111				

[1] Negligible.

EXPLANATIONS

E = Estimate.

All population figure in thousands.

Sources: *Population:* Even-numbered years, Statistical Abstract of the United States, 1934, p. 4. 1849, linear interpolation between 1840 and 1850 figures. Odd-numbered years, Ibid., p. 10. *Gainful Workers* (Gainfully occupied): Ibid., p. 52. Fifteenth Census of the United States, 1930, Occupation Statistics, p. 8. Census Monographs, III, p. 26.

Numbers marked "E" are Column (1)×Column (3).

Column (3): Ratios marked "E" are obtained by proportional interpolation from adjacent ratios.

Column (5): Census designation. Equivalent to household and workshop industries. Census of Manufactures, 1929, I, p. 15.

Column (6): Wage earners only; average for the year.

Column (7): Census of Manufactures, 1929, I, p. 15.

Column (8): Figure of 5,900,000 in 1860 is average number of wage earners stepped up in approximate proportion to corresponding 1919 figures. Figures for 1919 and 1929 are based on maximum number of wage earners employed at any time during 1919 or 1929 in each industry as reported in Census of Manufactures, plus number of salaried officers and employees, plus proprietors and firm officials.

U. S. GOVERNMENT PRINTING OFFICE: 1933